

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
E/S Pleasant Villa Ave., 793'
W of C/L Rockwell Ave. (#2200
Pleasant Villa Ave.)
1st Election District
1st Councilmanic District
BRENDA E. WALKER &
THEODORE R. SAULS, et al.

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No.: 92-306-XA

* Petitioners * * * * *

PETITIONERS' POST HEARING MEMORANDUM OF LAW

BRENDA E. WALKER, THEODORE R. SAULS and LIFESPRING SENIOR HOUSING, INC., Petitioners, by their attorneys, Stephen J. Nolan and Nolan, Plumhoff & Williams, Chartered, file this memorandum of law in support of the zoning petitions which were heard at the hearings on March 26 and April 16, 1992, before the Zoning Commissioner of Baltimore County.

INTRODUCTION

On January 17, 1992, Brenda E. Walker and Theodore R. Sauls, as legal owners, and Lifespring Senior Housing, Inc. as developer, filed a Petition for Special Exception and Petition for Zoning Variance with regard to the property located at 2200 Pleasant Villa Avenue in the Catonsville area of Baltimore County. The original special exception request was filed pursuant to Section 432.1.A.2 of the Baltimore County Zoning Regulations and seeks approval of an assisted living facility of fifteen (15) beds in a D.R.5.5 zone and the waiver of residential transition area standards as permitted under

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Section 432.4. The original petition for zoning variance seeks setback and other enumerated variances as a result of the existence and preservation of this old mansion-type house portions of which were built in approximately 1850 as part of the Rockwell Farms.

On February 14, 1992, the Petitioners filed an Amended Petition for Zoning Variance and revised site plan, the sole purpose of which amendment was to add a sign variance request for a 2' x 3' sign to be situated approximately 110' from the front property line. On April 16, 1992 in the course of the second hearing day, the Petitioners filed an Amended Petition for Special Exception so as to limit the scope of their request to an assisted living facility for persons 62 years of age or older and thereby restrict this group home's use to elderly residents as distinguished from persons of any age who have a physical or developmental disability. See Section 101, BCZR.

As will be discussed below, the Petitioners respectfully contend that they have clearly established by a preponderance of the evidence that all of the applicable requirements of the Baltimore County Zoning Regulations under Section 432 and all other applicable regulations have been or will be met. Since the June 13, 1988 effective date of Bill No. 36-88, there is not one group senior assisted home (GSAH) certified and operating in Baltimore County despite the fact that 120 such facilities are operating throughout other areas of Maryland.

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Testimony of John F. Lessner, March 26, 1992. The evidence has been substantial that the Petitioners have the experience, qualifications, management plan and proper setting to successfully operate an elderly group home at the subject site.

To quote a March 18, 1992 letter in the Commissioner's file from Mr. Fred Reiner of Johns Hopkins University, "Mrs. Walker's impact is small....Though the numbers she can serve are not great, the difference for those served is profound."

ARGUMENT

I.

**SUBSTANTIAL EVIDENCE EXISTS TO SUPPORT
THE GRANT OF THE REQUESTED SPECIAL
EXCEPTION FOR ELDERLY HOUSING**

Because the applicable law governing special exceptions and zoning variances is well established, Petitioners will not separately discuss the same except to restate that the provisions of Section 432 are applicable and will be fully met.

The Petitioners called eight (8) witnesses in support of their case. Taken as a whole, the testimony clearly demonstrates the appropriateness and suitability of the subject site at 2200 Pleasant Villa Avenue for use as elderly housing, more specifically, a group senior assisted home. Petitioners hereby submit a brief summary of the main points addressed by each of their witnesses:

1. Leonard T. Bohager, L.P.S. Mr. Bohager, a land surveyor with the firm of Hicks Engineering Company, Inc.,

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testified at the March 16 hearing that he authored the site plan which was submitted with the zoning petitions and that he had also prepared the CRG development plan which had already been approved by the County Review Group. Mr. Bohager also discussed the Zoning Plans Advisory Committee (ZAC) comments dated March 16, 1992 and he testified that the project would be able to comply with those agency comments.

Mr. Bohager also testified concerning an administrative waiver request which the property owners were seeking from the Baltimore County Department of Public Works in order to delete the T-turnaround at the entrance of the subject property because, Mr. Bohager, stated that clearing for the turnaround would force the removal of several substantial trees that presently exist and the turnaround was not necessary for fire department or trash removal access purposes. On April 16, 1992, the Petitioners introduced into evidence during this second day of hearing a copy of a memorandum from Gene Neff, the Director of Public Works, waiving the subject T-turnaround so that the existing trees will remain. Petitioners' Exhibit number 20.

2. Frank W. Welsh. Also testifying in support of the zoning petitions was Mr. Frank W. Welsh, Director of the Baltimore County Department of Community Development. As noted in his memorandum dated February 25, 1992, which was part of the ZAC comments, Mr. Welsh stated that there was a great need

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for this type of elderly housing facility in Baltimore County, especially in Catonsville. Mr. Welsh also pointed out that group senior assisted homes provide residences for senior citizens who no longer are capable of living on their own, but do not need the intensive care of a nursing home. He also stated that the County had obtained the funding to administer at the local level the GSAH program which is overseen by the Maryland State Office On Aging.

3. John F. Lessner. In order to introduce evidence concerning the goals of the GSAH program, the Petitioners called Mr. John F. Lessner, a housing specialist with the Maryland Office on Aging. As noted above, it was Mr. Lessner who stated that there were 120 group senior assisted homes across the State of Maryland but none certified in Baltimore County. He also testified that he had received no complaints with Brenda Walker, who was the first property owner to receive certification and approval in Baltimore City for a GSAH. Contrary to arguments proposed by the protestants, Mr. Lessner described the GSAH which is the subject of this hearing as a residential model, not a commercial or institutional use. Lastly, Mr. Lessner emphasized the importance of a 15 bed home from the standpoint of economic feasibility and also from the standpoint of affordable housing.

4. Neetu Dhawan-Gray. The Executive Director of the Baltimore City Commission on Aging and Retirement Education,

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Ms. Neetu Dhawan-Gray, also testified in support of the zoning petitions and she stated that she had checked the records of her department back to 1983 and that there were no complaints concerning Brenda Walker's operation of a GSAH in Baltimore City. Ms. Dhawan-Gray also testified that Ms. Walker was referred to as a "model" GSAH throughout the State of Maryland. The City's Executive Director also emphasized that 15 beds would not be a detriment from the standpoint of overburdening the subject building which she had visited nor would 15 beds adversely impact the quality of life of the residents. With regard to any impact on the neighborhood, Ms. Dhawan-Gray testified that the proposed GSAH at 2200 Pleasant Villa Avenue would enhance the neighborhood and add value to the community because of the importance of community-based housing for elderly citizens.

5. Jack Lilly. Mr. Jack Lilly, a retired Baltimore County Fire Department Battalion Chief, next testified in support of the zoning petitions. Mr. Lilly stated that he was the guardian for his 76 year old father-in-law, Mr. Anthony Jervello, who moved into Ms. Walker's Lifespring facility in Baltimore City in March 1989 and began living at the Pleasant Villa Home approximately one year ago. Mr. Lilly stated that it was his father-in-law's idea to move to Baltimore County where there would be more trees and that except for glaucoma and emphysema, his father-in-law was "pretty healthy." Mr.

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Lilly testified that he liked the residential setting at Lifespring at Pleasant Villa because Mr. Jervello was able to eat together with other senior citizens, participate in activities at the Senior Center, and be driven to medical appointments. He stated that his father-in-law had a large room and there was "no comparison" between Lifespring and a nursing home setting.

6. Edward A. Griffith. As discussed below, Section 432.4 of the BCZR sets forth a three-pronged test which the Zoning Commissioner must apply in determining whether to grant special exception relief from the residential transition area restrictions. Under Section 432.4C, the Zoning Commissioner must determine that the development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood. The Petitioner's economic value witness was Mr. Edward A. Griffith, an experienced real estate appraiser who made two site visits to Lifespring at Pleasant Villa. In contrast to his counter-part on the Protestants side, Mr. Bernard Semon, Mr. Griffith had undertaken a review of sales data which he evaluated and related from the witness stand. Mr. Griffith stated that he did take into account earlier testimony in the hearing concerning the subject property's use as a home for homeless pregnant women during the period 1984-1987. He also stated that he took into account that in May, 1991, the

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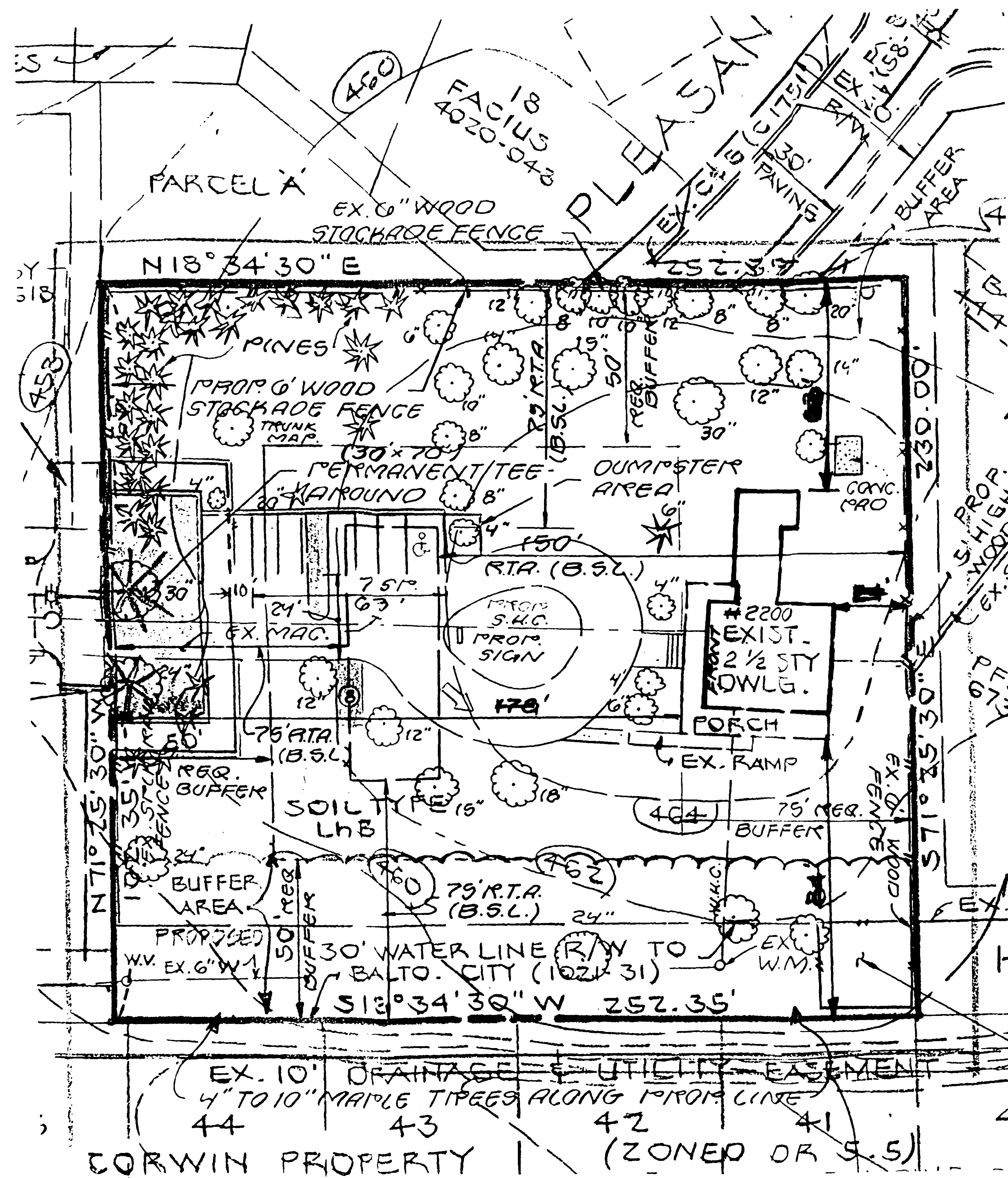
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Petitioners had announced their plan to utilize the site as a group home for elderly residents. Mr. Griffith examined and testified concerning the sales of five nearby properties and it was his expert determination that there had been no diminution in property value and that there would be no diminution in property value in the future if the subject property was utilized as a 15 bed GSAH. To the contrary, Mr. Griffith testified that the preservation of the subject property enhances surrounding property values because its existence has avoided the construction of a thru-connection of Pleasant Villa Avenue to Neepier Road. Mr. Griffith also cited the fact that there was new home construction occurring along Oak Lodge Road immediately to the east of the subject site as evidence of the continued economic stability of the neighborhood given the existing elderly housing use of 2200 Pleasant Villa.

7. Norman E. Gerber, A.I.C.P. Although that portion of Mr. Gerber's testimony dealing with the RTA requirements will be discussed later in this memorandum, the Petitioner's expert land planner and transportation planner testified throughout the morning of April 16 both on direct examination and cross-examination with regard to the land use planning aspects of the zoning requests. Characterizing the subject GSAH as residential in nature, Mr. Gerber testified that the preservation of the subject house and attached townhouse for use as elderly housing was much more compatible and suitable

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□ RED HILL FARM
S. 5.5

■ EXISTING PROPOSED
DETACHED

LIFESPRING
SENIOR HOUSING INC.
1"=20' MARCH 26, 1992

Plat No
4

than seven new houses which could otherwise be built on this 1.33 acre site. Mr. Gerber cited the Area Plan for Programs for Aging for Baltimore County (copy attached hereto) as evidence of the need for elderly housing. That plan document states that nationally, 1 in 10 seniors live in an elderly housing community. In Baltimore County, 1 in 22 seniors live in such communities. That Report states that the County will "continue to promote and assist affordable senior housing development." This is completely consistent with Mr. James Patton's testimony on cross-examination that Bill No. 36-88 evidences the adoption of a policy by the County Council seeking to promote elderly housing in Baltimore County.

Mr. Gerber also testified concerning the proposed site plan's consistency with the 1989-2000 Baltimore County Master Plan adapted February 5, 1990. The Master Plan addressed the goals of the County that encourages housing be "dispersed to allow elderly to remain in the community, permit planned retirement development and other elderly housing, subject to design standards, to achieve compatibility with existing neighborhoods." Id., p. 37, Action item no. 11. Mr. Gerber pointed out that this site plan will maintain the status quo for the look of this community because there will be no exterior alterations of the subject building.

Mr. Gerber also testified at length concerning his expert opinion that if the property was developed with seven new

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detached houses, the neighborhood would experience twice as much daily traffic as would be generated by the proposed use and three times the amount of traffic in the morning peak hours. Mr. Gerber's traffic comparisons were introduced into evidence as Petitioners' Exhibit number 19.

This expert witness also testified that the proposed site plan and petition were in full compliance with Section 432 and 502.1 of the Baltimore County Zoning Regulations. The proposal is consistent, he stated, with the stated purpose of the D.R. zones which is to foster a greater variety of housing types which satisfies the provisions of the ALU in Section 432. See also 1B01.2.A. Despite repeated questioning by Counsel for the Protestants, Mr. Gerber gave several reasons why he believes that the subject neighborhood was not unique or different from most other residential neighborhoods in Baltimore County. Based upon his site visits, his review of the regulations, and his analysis of the proposed use, Mr. Gerber stated that it was his expert opinion that there were no facts or circumstances that would show that this particular use as proposed at 2200 Pleasant Villa Avenue would have any adverse affects above and beyond those inherently associated with such a special exception use irrespective of its location within the DR55 zone. Schultz v. Pritts, 291 Md. 1 (1981).

Clearly, Mr. Gerber provided sound and substantial support for the underlying suitability and appropriateness of the GSAH at this Catonsville site.

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8. Brenda E. Walker. Although Mr. Gerber was the last witness to testify on behalf of the Petitioners and Ms. Walker testified prior to Mr. Griffith on March 26, this review of the Petitioners witnesses concludes with Ms. Walker because counsel believes that she epitomizes the level of commitment to elderly housing which must have been envisioned by the drafters of Bill No. 36-88. Ms. Walker began her testimony by describing the diligent site search which she and her business partner, Mr. Sauls, undertook before purchasing 2200 Pleasant Villa Avenue. Additionally, she described her initial experience with group senior assisted housing and the lead role that she had as the first sponsor of a home to be certified by the Maryland Office on Aging in Baltimore. Ms. Walker testified concerning the many services offered at Lifespring and also about her staffing plan for this proposed 15 bed facility. The Petitioner also detailed for the Commissioner the proposed room layout and the importance of having 15 beds in order to achieve economic stability and to pay for improvements such as the fire protection sprinkler system which will be installed.

Despite opposition from the community, Ms. Walker described how she had opened up her home for visits and inspection by representatives of the community and how she wants to work in a cooperative way with the community. Since her initial involvement with elderly housing in 1983 under the guidance of Dr. Matthew Tayback, Ms. Walker has demonstrated a

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proven tract record for providing a quality home setting that will prove not only to be suitable but also a major benefit to Baltimore County.

II.

FULL COMPLIANCE WITH RTA RESTRICTIONS, ETC. WILL CAUSE UNREASONABLE HARDSHIP AND WAIVER WILL NOT BE DETRIMENTAL

A. Facility Will Be Severely and Adversely Affected By RTA.

Pursuant to Sections 432.1.A.4 and 432.4, the Petition for Special Exception also seeks to modify or waive the residential transition area restrictions as they might apply to the subject project. At the hearings, Petitioners also contended, in the alternative, that the RTA does not apply to this existing building. This section of the memorandum will examine both alternatives in the same manner that Petitioners' expert, Mr. Gerber, testified concerning the effect of these regulations.

1. Alternative No. 1. This is a permitted use in an RTA. Sec. 1B01.1.B.a.2.(b). The existing dwelling is a semi-detached dwelling and meets the initial provisions of the RTA. However, the subject dwelling precedes the BCZR and is also a non-conforming building predating all of the post Second World War development around it.

A complete reading of the RTA makes it clear that the provisions are to be applied to proposed or new buildings or

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new uses. See Sec. 1B01.1.B.b.(3).(a),(b) and (d) for proposed buildings. Section 1B01.1.B.b.5(a) states that "The purpose of the buffer area requirement is to provide a method of screening a proposed residential transition use from an existing dwelling or lot in a residential transition area..." Section 1B01.1.B.c.1 is also clear that the exceptions provided there apply only to proposed dwellings.

Is the requested Special Exception a new use? In at least one sense, it is not a new use because a residential use is a residential use. Most special exceptions in the DR zones are for a non-residential use of a property zoned for residential use, e.g. church, nursing home, etc. The RTA provisions were last visited in 1982 and the housing for the elderly provisions emerged and were enacted in 1988. It is clear that any new buildings for housing the elderly will be subject to the RTA requirements. So would conversions of existing buildings to most other types of housing for the elderly which includes some nursing care and supportive commercial shops. This proposal is free of any of these encumbrances. The congregate dining room is not a non-residential activity. Indeed, if the RTA regulations applied to every conversion of a residential building, there could be no home occupations for the disabled or professional offices as described in the Sec. 1B01.1.C Special Exceptions.

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2. Alternative No. 2. Notwithstanding the foregoing argument, Mr. Gerber's testimony clearly established that the grant of the requested zoning approvals does not hinge on a finding that the RTA regulations do not apply. As part of the adopted policy to promote elderly housing, Bill No. 36-38 clearly gives the Zoning Commissioner the power to waive or modify RTA restrictions. Therefore, Petitioners urge the Commissioner to exercise that power and waive the RTA restrictions for this longstanding building.

Exhibits submitted in the course of Mr. Bohager's testimony demonstrate the broad impact of the RTA restrictions on the subject site and the fact that the house lies entirely within that proscribed area. The first two paragraphs of Sec. 432.4 are met. Mr. Gerber testified that all three requirements in Sec. 432.4 A, B, and C will be met and testimony by Mr. Griffith, Mr. Lessner, Mr. Welsh and Ms. Dhwan-Gray also satisfied Sec. 432.4.C.

With respect to Sec. 432.4.A, there can be no doubt that compliance with all but some screening requirements "will cause unreasonable hardship on the development." Subpart B with respect to the quality of the site design has been met, according to Mr. Gerber, because substantial landscape buffer will be provided along the east property line area. This expert's testimony also disclosed that the use of the existing screening methods (trees, shrubbery) and the continuation of

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the board fence will comply with the spirit of the RTA screening provisions without destroying the existing character of the neighborhood.

Mr. James Patton first testified on direct examination that the site did not attempt to comply to the buffer or landscaping requirements. He reluctantly agreed, under cross examination, that the site plan did show several areas of screening but dismissed it by saying that the details were missing and it should not be counted. Section 11B01.B.1.b(5)(a) of the BCZR is very clear that the details of the buffer plantings are to be addressed on the Landscape Plan. The Baltimore County Development Regulations are also clear that the Landscape Plan is addressed after final approval and before the building permit is issued.

The Petitioners respectfully submit that because the RTA regulations may only marginally be applicable from a threshold standpoint, it does not require any greater evidentiary showing than has been already presented to support the requested waiver and modification pursuant to the elderly housing bill. The very presence and preservation of this old mansion-type house and its large landscaped lot serve inherently as additional buffer which is consistent with the spirit of the RTA requirements.

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B. Evidence Supports Grant of Other Requested Variances.

Testimony from Mr. Gerber and other witnesses more than establishes the fact that practical difficulty and unreasonable hardship will result if strict compliance with the Comprehensive Manual of Development Policies setback is required. There will be no new building and the requested setback variances are all necessitated by virtue of the preexistence of the subject dwelling. As stated in McLean v. Soley, 270 Md. 208, at 215 (1973), "there was only meager evidence to support the contention that a detriment would befall the neighboring property owner." In the instant case, the potential detriment to a bathing neighbor can be cured by simply drawing the blinds.

With respect to the request sign variance which seek a six (6) square foot site within the site, the increased size will enhance readability and identification of the site to elderly visitors to the site. Appropriate restrictions and material limitations can be imposed so that the sign is compatible with this estate-like setting.

The Petitioners respectfully urge that the amended petition for zoning variance be granted. The evidence is clear that such a grant would be "without substantial injury to the public health, safety and general welfare." McLean, supra at 213. [Emphasis added].

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20"

54"

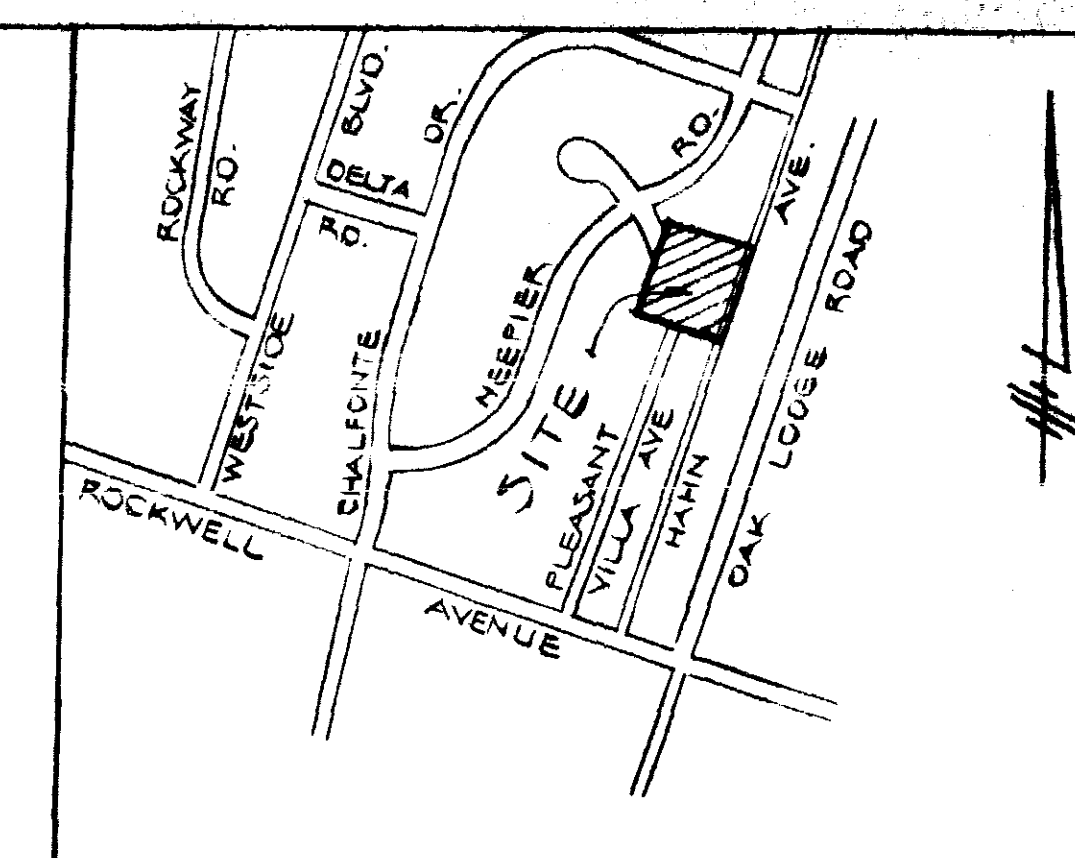
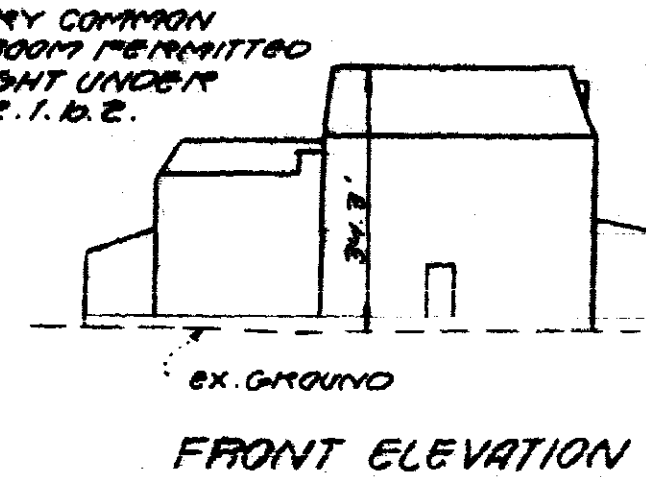
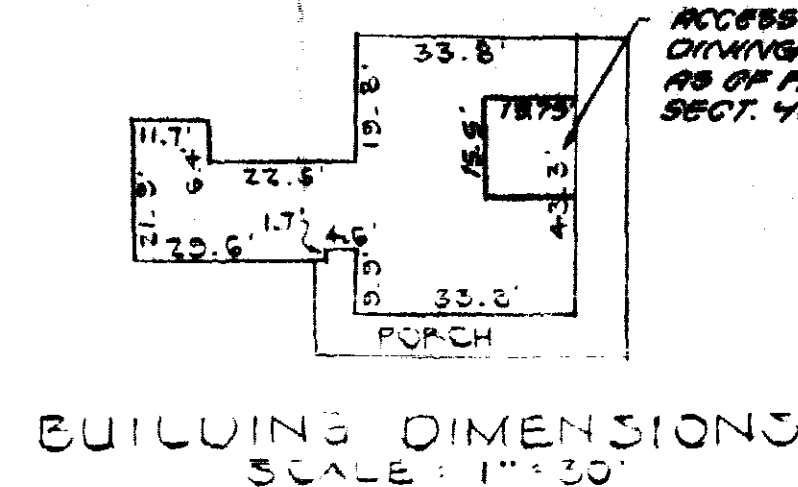
30"

50"

PROP. SIGN ONE SIDED

WOOD FRAME

PROP. SIGN SCALE: 1"=3"



VICINITY MAP
SCALE: 1" = 500'

SITE DATA:

GROSS SITE AREA: 1.33 AC.± OR (57934.80 S.F.)
EXISTING AND PROPOSED ZONING: DR5.5
EXISTING USE: RESIDENCE
PROPOSED USE: ASSISTED LIVING FACILITY

GEMUS TRACT: 4,015.03
WATERSHED: 30
SUBSEWERSHED: 77
TAX ACCOUNT NO.: 01-1600011678 *01-1400012*
COUNCILMANIC DISTRICT: 1
DEED REFERENCE: 8671/119

SITE TABULATIONS

NUMBER OF BEDS ALLOWED FOR ASSISTED LIVING FACILITY =
1.33X5.5/0.25=29
NUMBER OF BEDS PROPOSED = 15
PARKING REQUIREMENTS
ASSISTED LIVING FACILITY = 15 BEDS AT ONE SPACE PER 2 BEDS =
8 SPACES
TOTAL NUMBER OF SPACES PROVIDED = 8 (INCL. 1 HANDICAPPED)
ALL SPACES ARE 8.5 X 18 FEET MINIMUM. ALL NEW SPACES WILL
BE DURABLE & CRACKLESS SURFACE AND BE STRIPING.

GENERAL RATES

1. THIS SITE CONTAINS NO STREAMS, FLOODPLAINS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, HAZARDOUS MATERIALS SITES OR SLOPES IN EXCESS OF 25% EXIST.
2. THIS SITE CONTAINS NO FLOOD PLAINS, FLOOD AREAS, 100 YR. REVERSE OR 100 YR. FLOOD AREAS.
3. ENTIRE SITE IS WITHIN A RESIDENTIAL TRANSITION AREA.
4. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
5. MOCHWELL FARM IS ON THE MARYLAND HISTORIC TRUST INVENTORY AS SITE B-876.
6. SITE WILL COMPLY WITH N.F.P.A. LIFE SAFETY CODE 1988 CHAPTER 21 OR OTHER CHAPTERS AS APPLICABLE.
7. NO ACCESSORY USES PROPOSED AT THIS TIME.
8. THERE ARE NO UNDERGROUND TANKS, WELL OR SEWER SYSTEM AREAS ON SITE.
9. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
10. ACCESS ROADS SHALL BE POSTED WITH FINE LAMB SIGNS.
11. BUILDING TO BE SPRINKLERED TO MEET FIRE PROTECTION STANDARDS.

PETITION FOR SPECIAL EXCEPTION

AN ASSISTED LIVING FACILITY OF FIFTEEN (15) BEDS IN A D.R.5.5 ZONE (SECTION 432.1.A.2) AND TO MODIFY/WAIVE THE RESIDENTIAL TRANSITION AREA STANDARDS (SECTION 432.4) AS PROVIDED TO THE MAXIMUM EXTENT POSSIBLE FOR THE EXISTING/PROPOSED BUILDING(S) AND SITE IMPROVEMENTS.

ZONING VARIANCE

VARIANCE FROM SECTION 1802.2.B.(V.B.2.C.CMDP) TO PERMIT A TWENTY FOUR (24) FOOT REAR YARD SETBACK IN LIEU OF THE MINIMUM THIRTY (30) FOOT (OTHER THAN BUILDING FOOTPRINT) SETBACK; AND 1801.2.C.2.C.(V.B.5.A.CMDP) AND SECTION 504 (V.B.5.B.CMDP) TO PERMIT A TWENTY FOUR (24) FOOT WINDOW AND BUILDING TO TRACT ROUNDED SETBACK IN LIEU OF THE REQUIRED THIRTY-FIVE (35) FOOT AND THIRTY (30) FOOT SETBACKS RESPECTIVELY.

VARIANCE FROM SECTION 413.16.(B.C.C.P.) TO PERMIT A 24"x30" SIGN ON ONE (1) OF THE FOUR (4) SIGNAGE POSTS

No permanent structures should be built on the future connection between Pleasant Villa Avenue and Pleasant Villa Avenue. The future connection should be identified on the development plan and noted that if the property ever comes in for residential redevelopment that the right-of-way be reserved.

NOTE: THIS SITE IS SERVED BY
MUNICIPAL WATER & SEWER

OWNER / DEVELOPER

2200 PLEASANT VILLA AVENUE
 BALTIMORE, MARYLAND 21218
 (301) 271-7014
 SEEDREE AUGUST 19

H. P. C. ENGINEERING COMPANY, INC.
600 EAST JEFFA ROAD - SUITE 402
TOWSON, MARYLAND 21204
TELEPHONE: 410-414-0001

[illegible]

PLAT TO ACCOMPANY
SPECIAL EXCEPTION & VARIANCES
FOR
LIFECENTER SENIOR HOUSING, INC.
3000 PLEASANT VILLA AVE.
ELECTION DISTRICT 101
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 50'
JANUARY 13, 1991

CHS PLAN NO. :
PUBLIC SERVICE :
PLANNING :

H.E.C. JOB NO 90-087

Part No 1



Part 4



Protestants Exhibits 92-306-XA



#2



#6

THIS COMMERCIAL FACILITY WILL BE
DETRIMENTAL TO THE ECONOMIC VALUE OF
THE SURROUNDING PROPERTIES AND THE
GENERAL NEIGHBORHOOD.

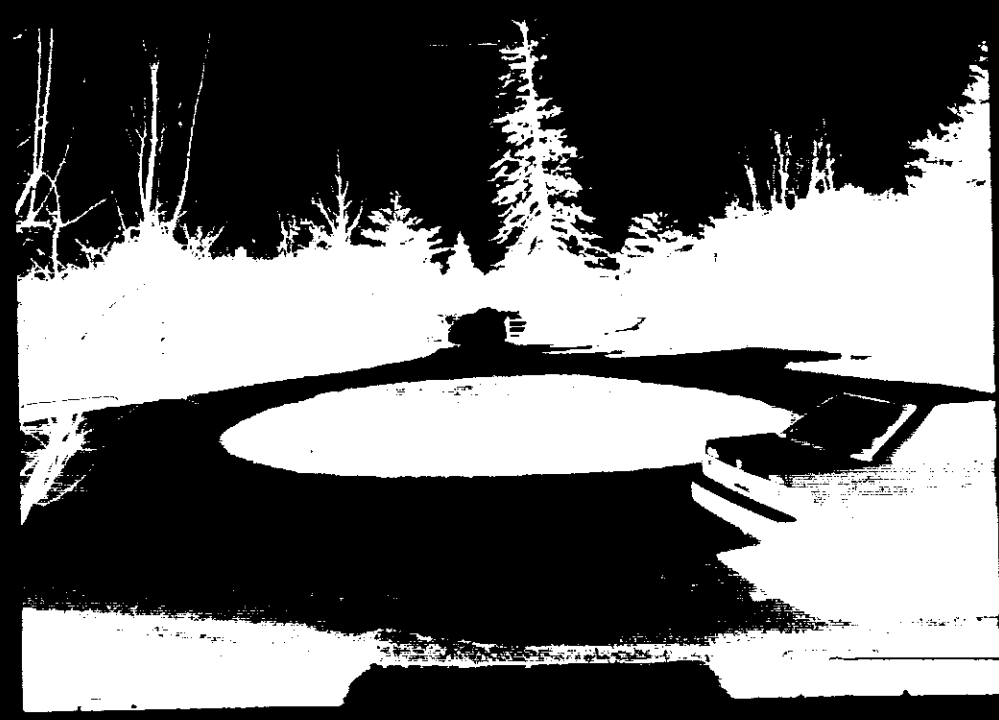
Part No 5

ZONING CASE # 92 - 306A

BRENDA WALKER / LIFESPING



A. LIFESPING at PLEASANT VILLA



B. VIEW FROM FRONT PORCH



C. VIEW FROM E/S PROP. LINE ADJOINING NEW CONSTRUCTION



D. SIDE PORCH VIEW OF NEW CONST. on OAK LODGE RD.

JAMES S. PATTON, P.E.

Mr. Patton has over twenty-five (25) years experience in site engineering, site development services, and land planning for a wide variety of public and private clients. His experience in the private sector has been in residential, commercial, and industrial site development. His public works experience is very broad, as he served as an officer in the U. S. Navy Civil Engineer Corps and as City Engineer for Washington, Pennsylvania. In addition, he has provided site engineering and planning services to many local school boards, hospitals, colleges, and institutions in their development and construction programs.

He has been responsible for projects ranging in size and scope from a few thousand square feet to areas of more than a thousand acres. These projects have included storm water management, water distribution, sanitary sewer, streets, roads, parking areas, grading, wetlands and critical areas, and erosion control. His background includes new development, expansion, restoration and renewal.

Site Plan approvals and obtaining permits for site development is a major focus. The ability to overview the various elements of site development such as zoning, environmental concerns, and utilities has been and is an important function performed by Mr. Patton in obtaining approvals and expediting the development of a site.

EDUCATION

SWARTHMORE COLLEGE, Bachelor of Science, Civil Engineering
UNIVERSITY OF PENNSYLVANIA, Master of City Planning

LICENSES/CERTIFICATIONS

PROFESSIONAL ENGINEER - Pennsylvania, West Virginia (inactive), and Maryland

COMPREHENSIVE PLANNER - New York, Pennsylvania, West Virginia, and Delaware

PROFESSIONAL EXPERIENCE

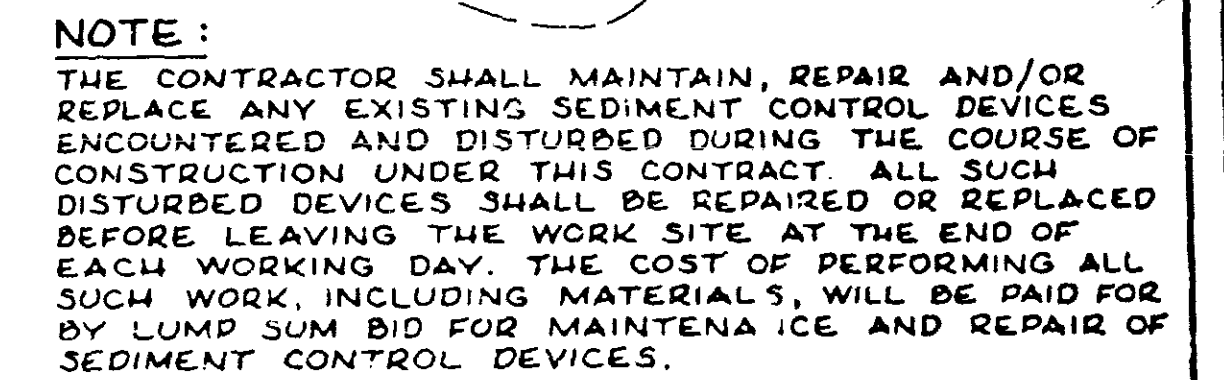
1990 - Present PRINCIPAL/PRESIDENT
PATTON CONSULTANTS, LTD.

Site evaluation and feasibility, land development consulting, project management, zoning issues, expert testimony, and governmental approvals and permitting

HUB NO. X-7074 ELEV.=439.425
DESCRIPTION: 7/8" IRON BAR IN
PAVING ON S.S. ROCKWELL AVE.
JUST E. OF PLEASANT VILLA



1. ALL WORK UNDER THIS CONTRACT SHALL BE PERFORMED BY THE CONTRACTOR IN ACCORDANCE WITH BALTIMORE COUNTY SOIL CONSERVATION DISTRICT PERMIT No. 1-83.
2. ALL CONSTRUCTION WILL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION DATED 1976 AND AS AMENDED.



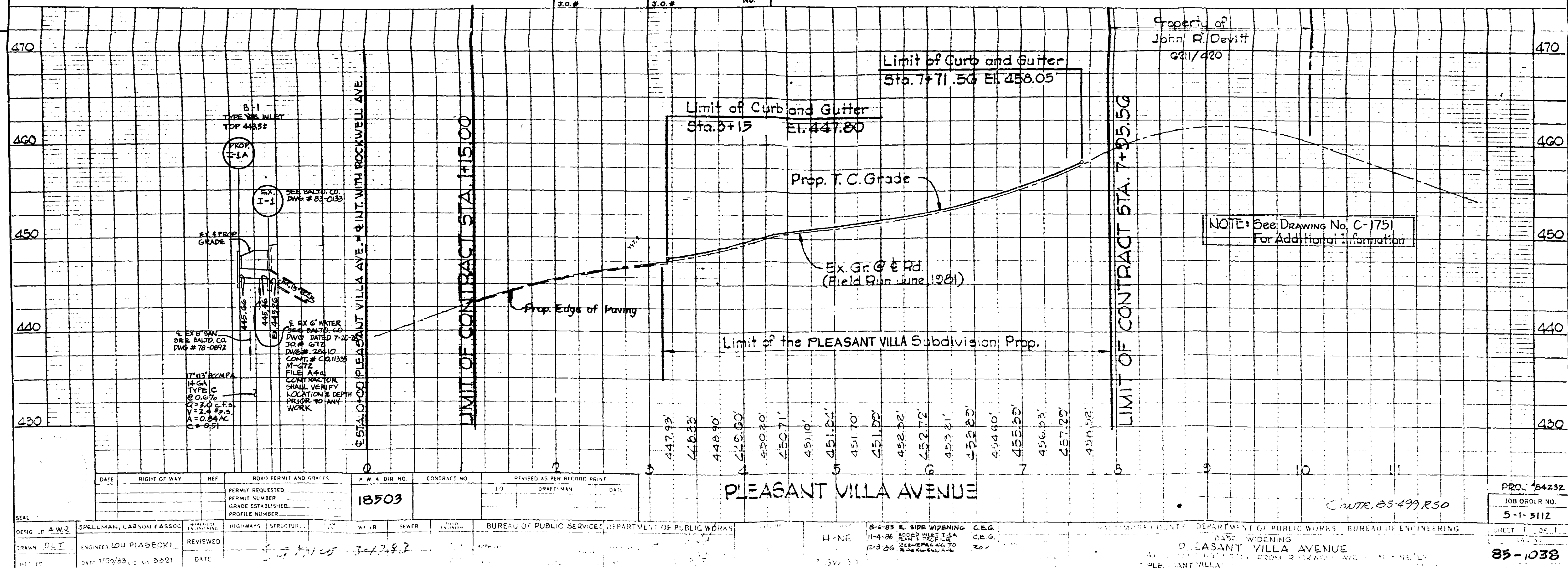
FOR EAST SIDE ROAD WIDENING
REVISED: 8-6-85



W. DUVALL & ASSOC. INC.
William Duvall
 ENGINEER
 J.O.#
 8/6/61
 12/61
 NO.

SPECIAL NOTE: CONTRACTOR
TO TEST PIT FOR LOCATION & DEPTH
OF EX. 6" WATER PRIOR
TO LAYING PROP 17"x13" BCCMPA
OR CONSTRUCTING INLET I-1A

PLEASANT VILLA
E.H.K JR. 53/40



PROJ: 84232

JOB ORDER NO.

5-1-5112

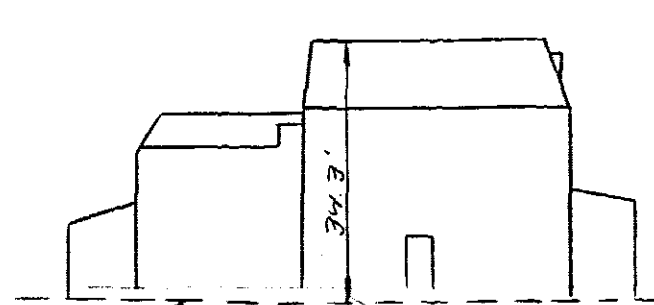
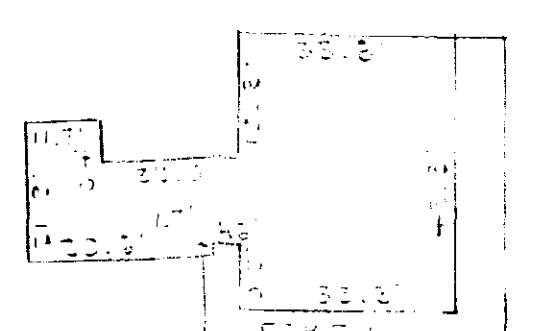
SHEET 1 OF 1

$$(\mathbf{I} - \mathbf{A})^{-1} = \mathbf{I} + \mathbf{A} + \mathbf{A}^2 + \mathbf{A}^3 + \dots$$

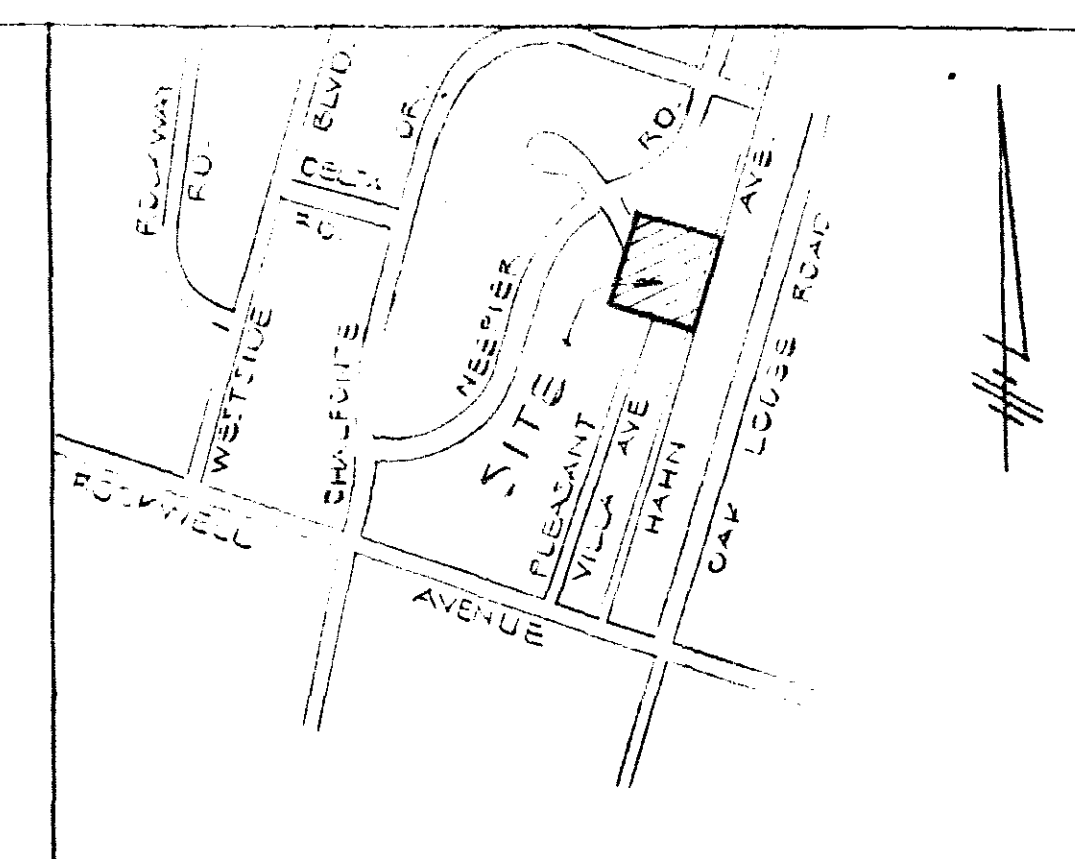
35-1038

Figure 1. Schematic diagram of the experimental setup.

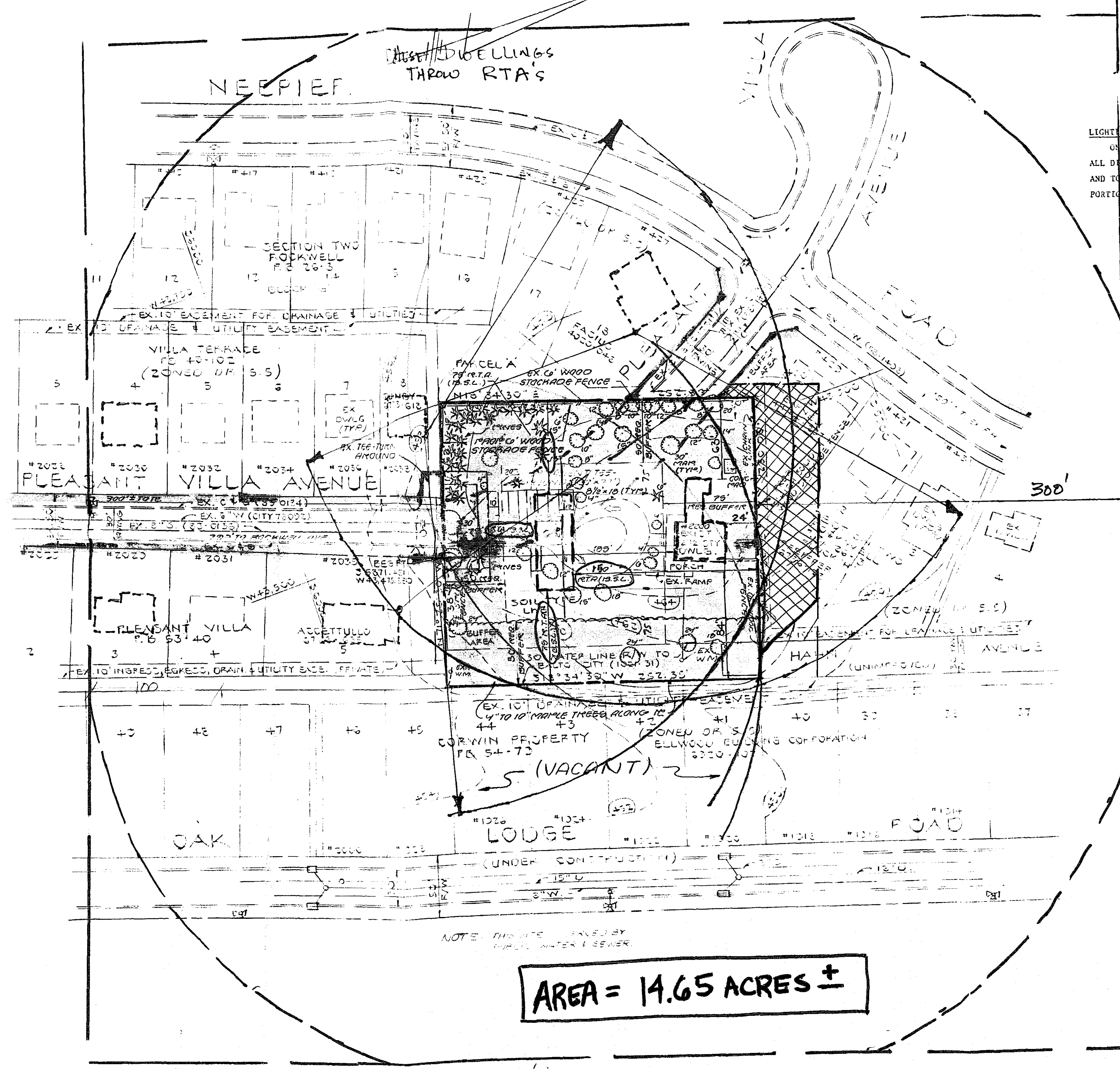
| SOIL LIMITATIONS | | | |
|------------------|-------|------------------------|------------------------|
| SYMBOL | CLASS | HOMESITES W/ BASEMENTS | STREETS & PARKING LOTS |
| 1.1 | C | SLIGHT | MULCHATE, CLUTE |



FRONT ELEVATION



LOCATION MAP
SCALE 1"=100'



AREA = 14.65 ACRES ±

LIGHTING
ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINE ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR CLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.

PETITION FOR SPECIAL EXCEPTION

AN ASSISTED LIVING FACILITY OF FIFTEEN (15) BEDS IN A D.R.5.5 ZONE (SECTION 432.1.A.2) AND TO MODIFY/VAIUE THE RESIDENTIAL TRANSITION AREA STANDARDS (SECTION 432.4) AS PROVIDED TO THE MAXIMUM EXTENT POSSIBLE FOR THE EXISTING/PROPOSED BUILDING(S) AND SITE IMPROVEMENTS.

ZONING VARIANCE

VARIANCE FROM SECTION 1802.2.B. (V.B.2.CNDP) TO PERMIT A TWENTY FOUR (24) FOOT REAR YARD SETBACK IN LIEU OF THE MINIMUM THIRTY (30) FOOT (OTHER PRINCIPAL BUILDING SETBACK); AND 1801.2.C.2.(V.B.5.A.CNDP) AND SECTION 504 (V.B.5.B.CNDP) TO PERMIT A TWENTY FOUR (24) FOOT WINDOW AND WHOLEING TO TRACT BOUNDARY SETBACK IN LIEU OF THE REQUIRED THIRTY-FIVE (35) FOOT AND THIRTY (30) FOOT SETBACKS RESPECTIVELY.

SITE DATA:

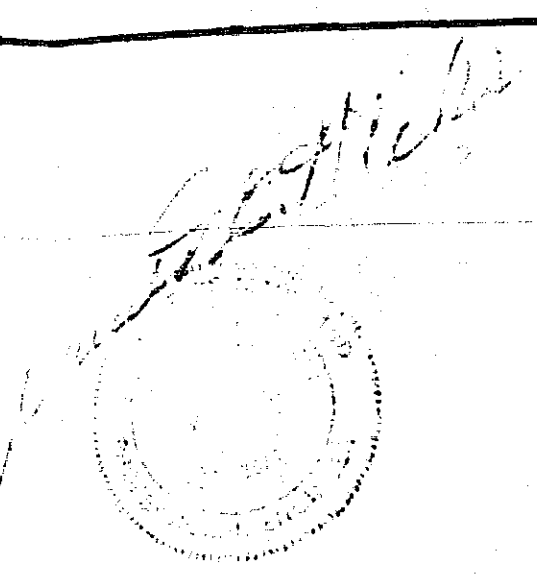
GROSS SITE AREA: 1.33 AC. ± OR (57934.80 S.F.)
EXISTING AND PROPOSED ZONING: DR5.5
EXISTING USE: RESIDENCE
PROPOSED USE: ASSISTED LIVING FACILITY

CENSUS TRACT: 4,015.03
WATERSHED: 30
SUBWATERSHED: 77
TAX ACCOUNT NO.: 01-1600011678
CONCESSIONAL DISTRICT: 1
DEED REFERENCE: 8671/119

SITE TABULATIONS

- NUMBER OF BEDS ALLOWED FOR ASSISTED LIVING FACILITY = 1,335.5/0.25=29
NUMBER OF BEDS PROPOSED = 15
PARKING REQUIREMENTS
ASSISTED LIVING FACILITY = 15 BEDS AT ONE SPACE PER 2 BEDS = 8 SPACES
TOTAL NUMBER OF SPACES PROVIDED = 8 (INCL. 1 HANDICAPPED)
ALL SPACES ARE 8.5 X 18 FEET MINIMUM. ALL NEW SPACES WILL BE DUTABLE & DUSTLESS SURFACE AND BE STRIPED.
- GENERAL NOTES**
1. THIS SITE CONTAINS NO STREAMS, FLOODPLAINS, WETLANDS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, HISTORIC BUILDINGS, HAZARDOUS MATERIALS SITES OR SLURPS IN EXCESS OF 25% FRIEST.
 2. THIS SITE CONTAINS NO FLOOD PLAINS, FLOOD AREAS, 100 YR. RIVERINE OR 100 YR. FLOOD AREAS.
 3. ENTIRE SITE IS WITHIN A RESIDENTIAL TRANSITION AREA.
 4. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
 5. APPLICATION IS BEING MADE FOR A WAIVER REQUEST OF LOCAL OPEN SPACE.
 6. SITE WILL COMPLY WITH N.E.P.A. LIFE SAFETY CODE 1985 CHAPTER 21 OR OTHER CHAPTERS AS APPLICABLE.
 7. NO ACCESSORY USES PROPOSED AT THIS TIME.

HICKS ENGINEERING COMPANY, INC.
300 EAST JORRA ROAD - SUITE 400
TOWSON, MARYLAND 21204
TELEPHONE: (410) 434-0001

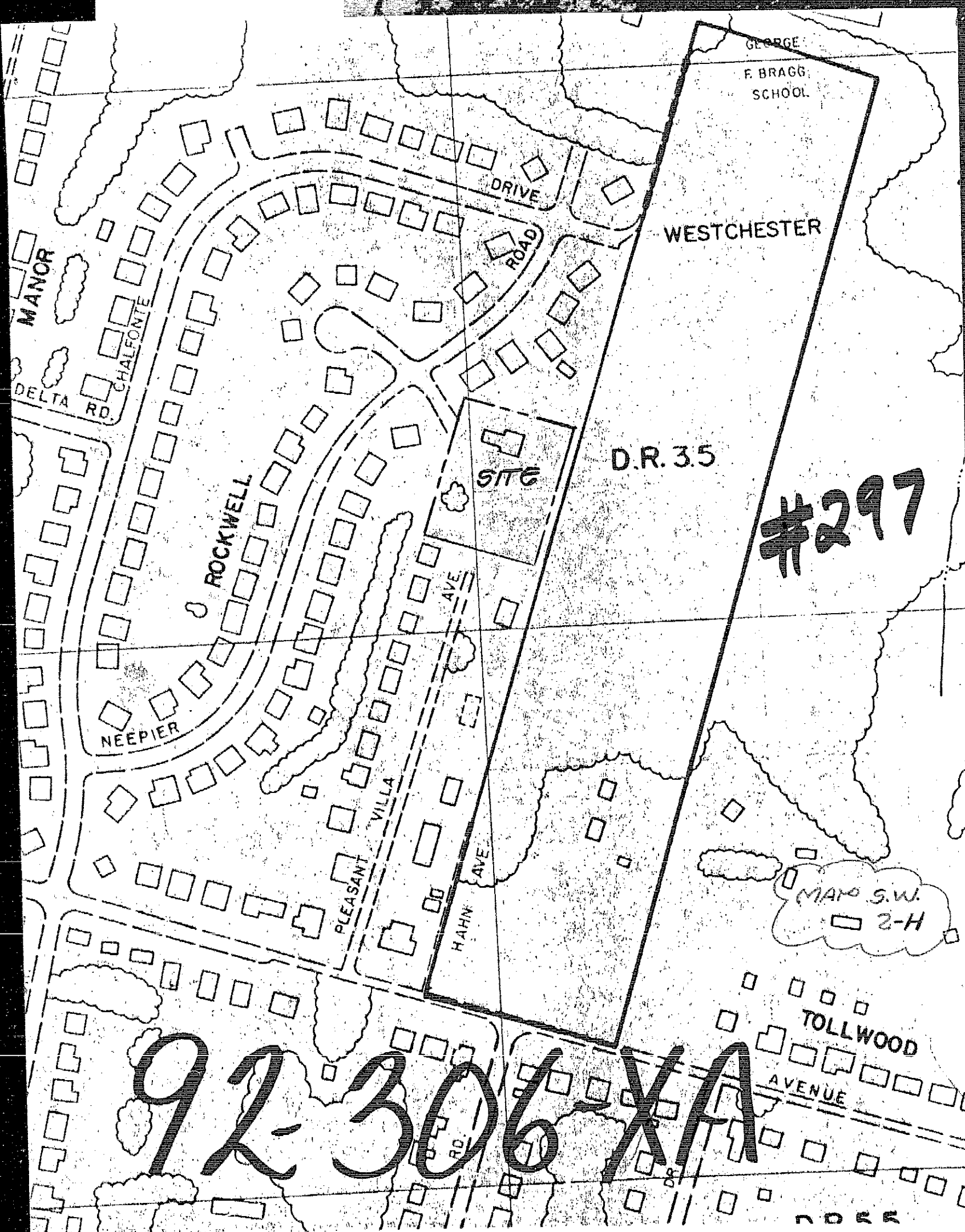
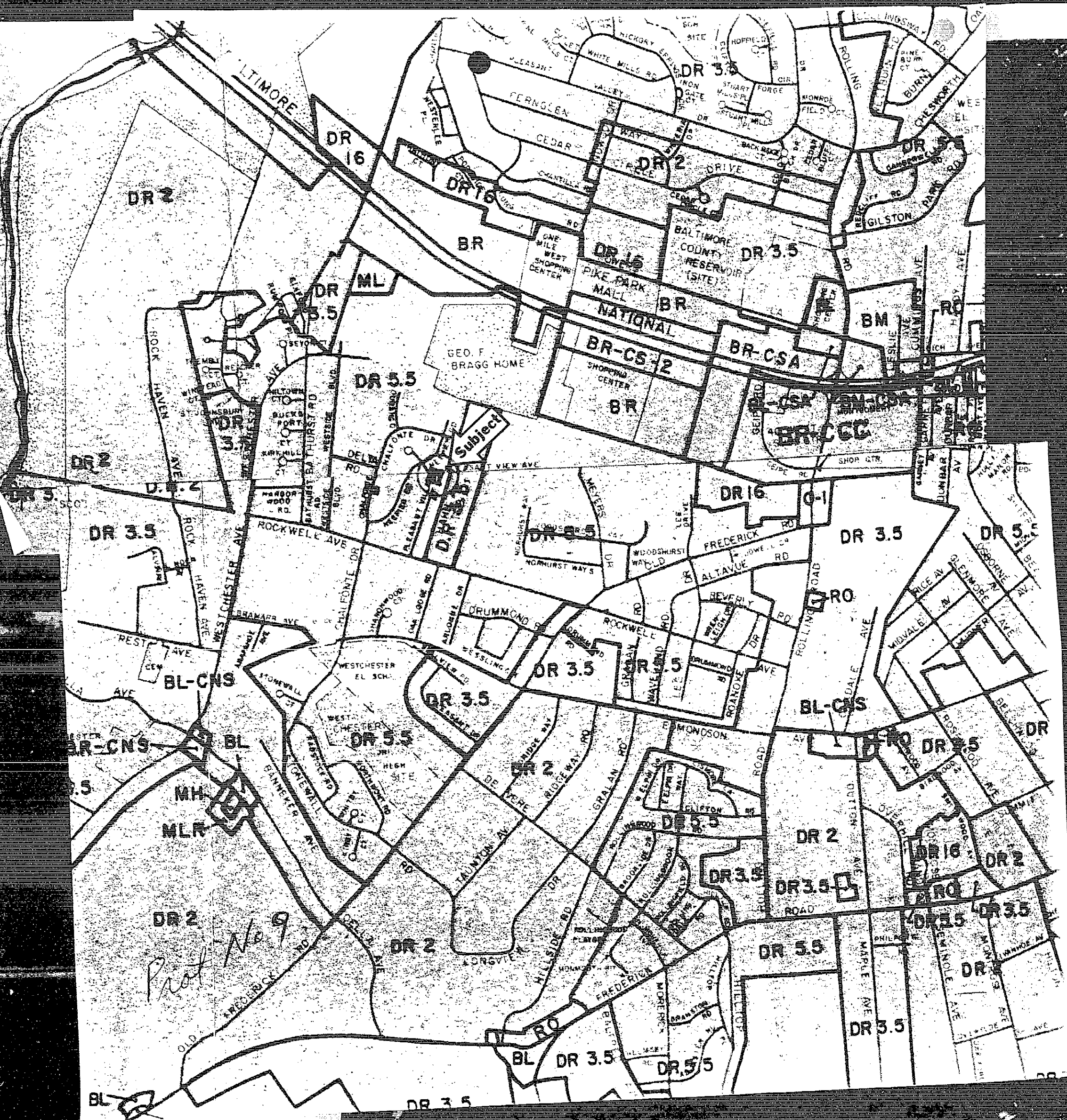


Prof. Exh
21

OWNER/DEVELOPER
LIFEDEFINING SENIOR HOUSING, INC.
3000 PLEASANT VILLA AVE.
ELECTION DISTRICT 101
BALTIMORE COUNTY, MARYLAND
10451
JANUARY 13, 1991

| DATE | REVISION |
|------|----------|
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PLAT TO ACCOMPANY
SPECIAL EXCEPTION & VARIANCES
FOR
LIFEDEFINING SENIOR HOUSING, INC.
3000 PLEASANT VILLA AVE.
ELECTION DISTRICT 101
BALTIMORE COUNTY, MARYLAND
10451
JANUARY 13, 1991



*Plot 5th
20*

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

| | | |
|--|-------------------------|----------------------|
| SCALE 1" = 200' ± | LOCATION WESTCHESTER | SHEET S.W. 2-H |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

III

PROTESTANTS' OPPOSITION DOES NOT HAVE SUBSTANTIAL JUSTIFICATION OR MERIT

Although the numbers of protestant witnesses were many (19), the objections can be collapsed to the following few:

1. Alleged commercial operation.
2. Alleged adverse impact on values; and
3. Alleged noncompliance with BCZR.

Certainly, the protestants need not prove anything in a zoning case and they have accomplished just that in this case. The repetitive and cumulative testimony of nearby residents has failed to establish even a slight likelihood of true detriment and their unsubstantiated fears should not be a basis to exclude an otherwise meritorious request.

With regard to the contention regarding commercial use, the evidence is clear that the GSAH use is a residential use. Indeed, there will be less traffic because frail elderly residents typically do not drive. The petition circulated among the residents served only to escalate the tension and fears to the point that one witness had accused Ms. Walker of lying and this was proven to be unfounded during cross examination.

Concerning any impact on property values, Mr. Semon admitted on cross examination that the exterior of the subject property was in good condition and he agreed about the desirability of Pleasant Villa Avenue being a dead end street.

-17-

In fact, since there will be no extension of Pleasant Villa the residents along Neepier Road are less affected, according to Mr. Semon.

Mr. Semon admitted that he had not performed any prior assessments involving elderly homes and that he did not make any assessment concerning the new development along Oak Lodge Road. However, the truly difficult aspects of Mr. Semon's presentation was his assertion that there would be no adverse impact to values if 8 homes were constructed on the subject site. Petitioners fail to understand how their proposed use will be detrimental if 8 homes would have no adverse impact.

Lastly, Mr. Patton's testimony has already been discussed above and Petitioners state most respectfully that Mr. Patton fails to offer any sound basis for this Commissioner to refuse to exercise the powers granted in Bill No. 36-88.

IV. CONCLUSION

Based upon the foregoing review of the evidence and discussion of law, Petitioners respectfully urge the Zoning Commissioner to grant the requested zoning relief so as to breathe life into Bill No. 36-88 and pave the way for the first group senior assisted home in Baltimore County.

-18-

Respectfully submitted,

Stephen J. Nolan
Stephen J. Nolan
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 1992, a copy of the foregoing Petitioners' Post Hearing Memorandum of Law was mailed, postage prepaid, to Phyllis Cole Friedman, People's Counsel for Baltimore County, Old Court House, Ground Floor, Towson, Maryland 21204 and to J. Carroll Holzer, Esquire, Holzer, Maher, DeMilio & Lee, 305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204, attorney for the West Catonsville Community Association, Protestants.

Stephen J. Nolan
Stephen J. Nolan

0885C/SJN/mao

-19-

IN RE: * BEFORE THE
LIFE SPRING SENIOR * ZONING COMMISSIONER
HOUSING, INC. * OF
BRENDA WALKER AND *
THEODORE SAULS * BALTIMORE COUNTY
2200 Pleasant Villa Avenue * Case No.: 92-306-XA
* * * * *

PROTESTANTS' MEMORANDUM

The West Catonsville Community Association, et al., Protestants, by J. Carroll Holzer, Holzer, Maher & DeMilio, hereby submits this Memorandum in lieu of final argument in the hearing before the Zoning Commissioner upon the Petition for a Special Exception. The Petition was brought by Life Spring Senior Housing, Inc. through the legal owners, Brenda Walker and Theodore Sauls, for permission to operate an assisted living facility of fifteen (15) beds and to modify and waive the residential transition area standards to the maximum extent possible.

In addition, Petitioners have requested a variance to allow for a twenty-four (24) foot rear yard setback in lieu of minimum thirty (30) foot; to permit a twenty-four (24) foot window and building to track boundary setback in lieu of the required thirty-five (35) foot and thirty (30) foot setbacks and a variance to permit a two (2) foot by three (3) foot sign in lieu of a one square foot.

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND
21204
(410) 823-7800



Statement of Facts

The hearing before the Zoning Commissioner consisted of two (2) full days of testimony, March 26, 1992 and April 16, 1992.

The subject property consists of 1.3 acres located at the end of Pleasant Villa Avenue in the Catonsville area of Baltimore County. Petitioner's Exhibit No. 8 describes this house located on the site as an historic and well preserved mansion known as Rockwell built in 1849. The house was apparently converted into four (4) apartments in the 1940s, while at the present time the house is a single family dwelling again, with apartments still in place (each floor of the main house retaining a full kitchen and bath as does the attached townhouse). The floor plans have been submitted as exhibits before the Commissioner, both plans as to the existing layout and the future layout subject to the granting of the Special Exception.

In addition, testimony established that there are six (6) assisted living residents currently residing in the house. The Protestants have raised the issue that only three (3) are permitted under the present Baltimore County Zoning Regulations and that the apparent "approval" of the fire marshal does not constitute appropriate and legal authority to exceed Baltimore County Zoning Regulations.

3

The proposed owner and operator of Life Spring Senior Housing will be Brenda Walker and Theodore Sauls, who apparently have run other such facilities in Baltimore City; they are alleged to be experienced and credible operators of such a senior housing facility.

As described by many of the experts both for and against the Petitioners, the subject site sits at the end of a dead end street, Pleasant Villa Avenue, with ingress and egress only on to Pleasant Villa Avenue. The surrounding community has developed into predominantly single family dwelling units in a very peaceful and quiet setting. The Protestants, including the West Catonsville Community Association, were joined by individuals who appeared on behalf of themselves as neighboring property owners. The Protestants, for the most part, are owners of homes along Pleasant Villa Avenue and the surrounding neighborhood including adjacent and adjoining property owners in the rear of the subject site on Neepier Road.

The Petitioners are requesting a complete waiver of the RTA requirements, a large number of variances to setback requirements, and Special Exception approval under the Baltimore County Zoning Regulations to authorize fifteen (15) assisted living beds in lieu of the three (3) authorized as a matter of right under the DR 5.5 Zone.

It would be duplicitous to recount the testimony of all the witnesses appearing on behalf of the Petitioner and Protestants. Suffice it to say, the Petitioner has attempted to establish that there would be no detriment to the surrounding community and that there is a "need" for such elderly facilities in Catonsville. Testimony of a representative of Baltimore County Community Development as well as the Maryland Office on Aging both acknowledged factually that they have not done a statistical study and analysis to determine either the demand in the Catonsville area for elderly assisted living facilities or the satisfaction of that demand by currently available elderly facilities. Barbara Shubert, for the Protestants, explained that Catonsville has more elderly facilities to accommodate its requirements than are actually needed.

It is clear that the County's statistics are based on a Countywide approach indicating a general need for elderly facilities as opposed to the localized need in Catonsville. More particularly, it was established that the residents of the subject site might well have come from other jurisdictions along with other locale elsewhere in Baltimore County. Consequently, the present site really does not serve the localized need of Catonsville residents.


4

It is clear from the testimony of Brenda Walker that in addition to the fifteen (15) residents of the facility, there will be four (4) individuals serving as staff members; one housekeeper working five (5) days a week; one full-time manager and one part-time manager and one maintenance engineer. In addition, there will be utilization of a Life Spring van on site. Brenda Walker testified she does not reside at the site and that she proposes to utilize her other facility in Baltimore City in conjunction with the subject site.

The Petitioners called Ned Griffith as an expert real estate appraiser who utilized certain properties in the area to conclude that there would be no detriment to property values. Subsequent testimony by the individuals who acquired the comparative properties in Griffith's analysis, testified they would not have acquired the property nor paid the purchase price had they realized the nature and extent of the proposal currently before the Zoning Commissioner.


Griffith acknowledged that he did not do a comparative study of single family homes in an area adjacent to such a facility to determine whether a facility such as this has caused economic detriment to a neighborhood. In Griffith's testimony, he also arbitrarily proposed a cutoff population figure as to when the use of the property would become detrimental to the economic value of the neighborhood, without providing any basis for his conclusion.

5

| | | |
|--|---|--|
|  | Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 | <div style="font-size: 2em; font-family: cursive;">receipt</div> <div style="font-size: 1.5em;">92-306-XA</div> |
| Date _____ | Account: R 001:6150 Number _____ | |

12-206

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353


FEBRUARY 26, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-306-1A
6/8 Pleasant Villa Avenue, 753' W of c/l Rockwell Avenue
2500 Pleasant Villa Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Brenda Walker and Theodore Sauls
Developer: Lifespring Senior Housing, Inc.
HEARING: THURSDAY, MARCH 26, 1992 at 10:00 a.m.

Variance to permit a twenty four foot rear yard setback in lieu of the minimum thirty foot (other principal building setback); and to permit a twenty four foot window and building to tract boundary setback in lieu of the required thirty five foot and thirty foot setbacks respectively and a variance to permit a 28' x 36" sign in lieu of 1 square foot.
Special Exception: An assisted living facility of fifteen beds; and to modify/waive the residential transition area standards as provided to the maximum extent possible for the existing/proposed building(s) and site improvements as shown on the Site Plan.


LAWRENCE E. SCHMIDT

Zoning Commissioner of
Baltimore County

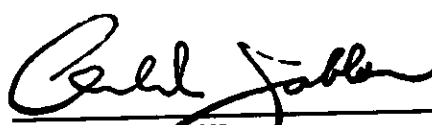
cc: Brenda Walker and Theodore Sauls
Lifespring Senior Housing, Inc.
Stephen J. Nolan, Esq.

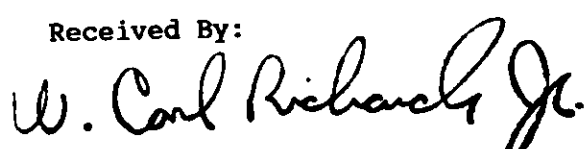
Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21201


(410) 887-3353

Your petition has been received and accepted for filing this
21st day of January, 1992.


ARNOLD JABLON
DIRECTOR

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Brenda Walker, et al
Petitioner's Attorney: Stephn J. Nolan

 Printed on Recycled Paper

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S

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

DATE: March 17, 1992

FROM: Gary Kerns, Chief
Community and Comprehensive Planning Division
Office of Planning and Zoning

SUBJECT: Lifespring Senior Housing, Item No. 297

In reference to the applicant's request, staff offers the following comments:

Should the Special Exception be granted, conditions shall be attached that restrict all maintenance, household and general supply deliveries to the hours of 9:00 a.m. to 3:00 p.m. during the months of September through June and before 9:30 a.m. during July and August. In addition, it is recommended that Lifespring Senior Housing Inc. become a regular participant in the West Catonsville Community Association.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:
Jeffrey Long
Jeffrey Long

GK:JL:prh
ITEM297.ZAC/ZAC1

RECEIVED
MARCH 17 1992
OFFICE OF PLANNING AND ZONING

Finally, the Petitioners called Norman Gerber, who denied that the subject request presented a commercial use in a residential neighborhood.

The Protestants presented a number of witnesses in opposition to the requested Special Exception and variances. Mike Popchak, David Kline, Tom McDade and Sheila Corbitt all testified that they had acquired or were selling the properties utilized by Ned Griffith in his comparative appraisal. It is clear from the testimony of these four (4) individuals that they believe this project is detrimental to their property values and they would not have purchased their properties nor paid the amount requested had they known the extent of the proposed use of this site. In fact, one individual whose property is currently on the market, has been required to reduce the asking price, she believes, based upon the proposed zoning issue.

Following those individuals, Bill Chupka, Dr. Bateman, Pat Mooney, Philip Schubert, Kathy Quimby, Mrs. Barnes, Barbara Schubert, Mr. Moore and Mr. Zimmerman all testified as to the nature of the community, the uniqueness of this residential area, located as it is at the end of a dead end street surrounded by the individual homes. If the Petition for Special Exception is granted, the witnesses' collective views, this would be perceived as a commercial venture, establishing a

negative precedent for the community. In addition, protestants questioned the need in Catonsville for such a facility. Dr. Bateman articulated that while the existing three (3) or six (6) life care residents might be perceived as a of residential use, that in his opinion, when the number climbs to fifteen (15), the general perception is that this becomes a commercial venture. It is clear from the Petitioners Variance request that they are seeking advertising signage.

It is also clear that while up to three (3) patients in a home may maintain the residential character of the facility and of the community, when one begins to introduce a Life Spring van for staff employees, maintenance man and manager, that this project then becomes "commercial" in perception and appearance and therefore detrimental to the community.

Mr. Bernard Semon qualified as Protestants appraiser, who, under questioning by the Zoning Commissioner, concluded that the granting of the Special Exception, particularly the relaxation of RTA requirements, created a negative impact upon the surrounding properties and negatively affected the value of the surrounding properties to their detriment. He also testified that this project, at another location, would be acceptable, but that here, due to the lot size, the nature of the community and the compactness of the neighborhood surrounding this large mansion-type home, the impact or

deleterious effect upon the community would be more severe here than elsewhere. Testimony of Mr. Semon clearly meets the Shultz v. Pritts standard which is applicable in this case. See also Peoples Council v. Mangione 85 Md. App. 738 (1991) for similar factual situation.

It is also important for the Zoning Commissioner to consider the testimony of Mrs. Nick Barnes, 429 Neepier Road, whose property and back yard are most directly affected by the subject site. Clearly, the use of the subject site, at the present time, imposes upon the privacy of the Barnes' residence. Based upon her testimony, it is clear that the increase of additional life care patients as well as additional staffing members, at the subject site, will create a further and greater intrusion upon the Barnes' use of their property.

Finally, and perhaps most telling, the Protestants presented the testimony of James S. Patton, Registered Engineer, and accepted expert in the field of planning, who testified as to the negative impact of Petitioner's request. Patton testified as follows:

First, the Elderly Housing Facility provisions of the Baltimore County Zoning Regulations apply, and Second, the Residential Transition Area provisions of the Zoning Regulations also apply. Zoning Policy Manual regarding RT-1 Residential Transition Area, dated 5/1/84. Patton prepared an

exhibit which indicated the transition areas, the required buffers and the approximate acreage impacted by transition areas. Based on this illustrative exhibit, it was clearly shown that the proposed conversion to an Assisted Living Facility of the existing structure would clearly be within the 75 foot buffer area as required for the RTA.

Based on the exhibit, it was demonstrated that the conversion of the existing structure to anything other than a single family dwelling would not be achievable due to the impact of Residential Transition Area requirements as they existed at the time of the application. In particular, the requirements of 1B01.1B of the Baltimore County Zoning Regulations clearly state requirements for dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.

In this section of the ordinance, minimum building setbacks from any residential lot line that is in a Residential Transition Area and that exists at the time the new use is to be established, is 75 feet if the front or side of any proposed building faces the lot line, or 150 feet if the rear of any proposed building faces the lot line. Item 3b states a buffer area shall be provided and situated to effectively screen offsite dwellings, yard areas and vacant lots of two acres or less in areas that lie within 300 feet of a proposed building

or parking lot. The buffer area may not be less than 50 feet in width if the front or side of any proposed building faces the lot line, or not less than 75 feet in width if the rear of any proposed building faces the lot line or the new use is a parking lot.

3.(c) states the requirements of (a) and (b) of this part are not affected by the existence of a public or private road, right-of-way, or easement, or a proposed road, right-of-way, or easement, between or intersecting the new use and the residential lot line or the offsite dwelling or lot. As presented in testimony, this provision does not permit access through a required buffer to the site or as often referred to as "piercing the buffer". The intent of providing buffering of dissimilar uses is to totally screen such uses from each other. This is clearly stated in Item 5.(a) wherein the BCZR states "the purpose of the buffer area requirement is to provide a method of screening a proposed Residential Transition use from any existing dwelling or lot in a Residential Transition Area." In order to accomplish that purpose, the buffer area shall be screened in accordance with the requirements of the Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code.

5.(b) states "no other uses are permitted" within the buffer area, except walkways, site landscaping, storm drain easements and public utility uses other than a public utility

service center or a storage yard or a road or a right-of-way." (Emphasis added) The strict interpretation of this provision is that features such as storm water management facilities, roads, rights-of-way for ingress/egress would not be permitted; water lines, sewer lines which would be underground, transformers and similar small essential public utility items would be permitted within the buffer area. However, this clearly prohibits roads or a right-of-way from being located in the buffer area.

As provided by the BCZR, Residential Transitional Areas are considered use restrictions and therefore cannot be variances by the Zoning Commissioner. There are exceptions to Residential Transition as provided by Paragraph 1B01.1B1.C. "Exceptions to Residential Transition Paragraph 1." Except in a case arising under Subparagraph B.3.(d), a proposed dwelling to be placed in a Residential Transition Area containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwelling shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or a lesser number of dwelling units and party walls as the existing dwelling units.

Section 307.1 strictly limits the ability of the Zoning Commissioner of Baltimore County to grant variances by stating in part "they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship..."they shall have no power to grant any other variances."

In reference to the above, Section 102.1 applies wherein it is clear in accordance with the BCZR that "no land shall be used or occupied and no building or structure shall be erected, altered, located, or used, except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.

Even if variances were granted as to the rear yard setbacks and the requirement for window to tract boundary (1), it must be noted that under County Board Appeals Case 84-52X, a finding was made that "Transition requirements do not apply as long as there are no external changes or additions requested." One must conclude that due to parking regulations based on required spaces for number of dwelling units that a conversion of this structure to multi-family units would require additional parking. This would cause an external change to this site, thereby, causing RTA requirements having to be met.

Thus, reviewing the above citations, the conclusion is reached that this existing residence could not be converted into a multi-family dwelling without being in violation of the Baltimore County Zoning Regulations.

Having reached the conclusion that the existing parcel and structure cannot be converted to multi-family use, attention must be directed to Section 432 Elderly Housing Facilities in DR Zones. The request under consideration is for the conversion of this existing structure into a 15-bed Assisted Living Facility for the elderly. There are specific limitations which must be considered pertaining to this proposed use.

First, is the definition of Assisted Living Facility. Section 101-Definitions states for Assisted Living Facility:

a building or section of a building that provides a building or section of a building that provides a residential living environment assisted by congregate meals, housekeeping, and personal services for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for any person, regardless of age, who has a physical or developmental disability. Density for such facilities shall be calculated at .25 for each bed.

Based on this definition, it is clear that, were approval by special exception granted for an Assisted Living Facility without restriction, occupancy of the facility would not be limited to persons 62 of age or older. The second issue is that based on the provision of 0.25 density units per bed, this

facility based on the site acreage and the DR5.5 Zoning could have 29 beds situated therein. Again, the request for limitation to 15 beds must be recognized in any decision by the Commissioner.

As provided by Section 432-Elderly Housing Facilities in DR Zones, there are specific criteria under which an Assisted Living Facility, which is a subcategory of Elderly Housing Facilities, can be placed in a DR Zone. Based on the legislative intent, Elderly Housing Facilities were to be "especially encouraged" on larger tracts and basically considered as adaptive reuse of schools and other type institutional uses as enumerated in the Zoning Regulations. Clearly the relative impact of adaptive reuse to this type of facility would be significantly less on a large, 10 acre site than on the site in question.

Section 432.1, the requested use must obtain a special exception and a modification or waiver of Residential Transition Area restrictions. Specifically, Section 432.4 places within the powers of the Zoning Commissioner, the opportunity by special exception to modify or waive RTA restrictions based on three specific criteria. Compliance with all or part of the Residential Transition Area restrictions will preclude this project.

The other two criteria, when considered in the light of the proposed development, cannot be met. Item (b) relates to the quality of the site design and amenities provided. The evidence presented by the applicant does not justify modification or waiver of the RTA restrictions. We submit that extensive buffering, heavy landscaping, placement of earth berms, and location of the proposed parking area are not adequate. While a minimal attempt was made to satisfy this requirement, Protestants suggest that in accordance with quality site design, this attempt fell far short of the standards which the Zoning Commissioner must maintain in justifying his granting the modification or waiver of this provision.

Item C provides that the "development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood." Again, Patton opined that the proposed use would be detrimental to the general neighborhood and surrounding properties. In particular, the close proximity to adjoining neighbors who presently are enjoying their rear and front yards would be most directly impacted by the expanded use of the elderly facility. By the nature of the proposed use, adjoining neighbors will not have a similar sense of privacy should this development be approved. Protestants have also demonstrated there are infrastructure problems with this

present request. In particular, the narrowness of the existing Pleasant Villa at the entrance, current sanitary sewer connections, storm water run-off, and the fact that Pleasant Villa Drive will not be connected should the proposed development be approved. Patton's testimony presented evidence that the proposed development will indeed be detrimental. Based on the criteria available for the Commissioner in determining his findings, the evidence weighs heavily on Items B and C against granting the request.

In addition to the fact that the tests for granting modification or waiver to Residential Transition Areas have not been met, the Commissioner must also place the criteria of Section 502-Special Exceptions upon the proposal. The approval of this Assisted Living Facility must also meet the criteria of 502.1. Clearly when the criteria for Section 432.4 of the Elderly Housing Policy cannot be met, there cannot be a reverse logic in saying that the criteria of a 502.1 for a special exception can be met.

Reviewing the above, Patton concluded that this is clearly a case where the proposal for the adaptive reuse of this structure based on its location on the site and within the general neighborhood, should not be granted by the Commissioner. If granted, it would clearly be detrimental and contrary to the spirit and intent of the Baltimore County Zoning Regulations.

LEGAL ARGUMENT

Protestants submit that the Petitioners have not met the burdens placed upon them of establishing that this project will not negatively impact the surrounding community, based upon Baltimore County Zoning Regulations Section 502.1; the additional burden imposed upon them for modifying or waiving RTA restrictions in Section 432.4(b)(c). The Petitioner is trying to "shoehorn" this project into too tight a location which results in a detriment to the surrounding properties and general neighborhood as it relates to peaceful enjoyment as well as economic value being lost to the neighborhood if this project is approved.

Protestants further submit that while compliance with the RTA restrictions will basically preclude the development of the site in the manner requested, that is an appropriate result for the Petitioner's request in this instance.

Clearly, under Section 502.1 of the Baltimore County Zoning Regulations, the testimony of the Protestants cumulatively establishes that there is a detriment to the health, safety and general welfare of the location and of the community involved as well as this request creating additional congestion on Pleasant Villa Avenue that currently does not exist. There is no doubt that the increased use of this old manor house, under the circumstances involving attending health

care employees, would create and overcrowding of the land and undue concentration of the population. Finally, Protestants believe that the perception of the use by the Petitioner as a commercial venture is not in accord with the spirit and intent of the Zoning Regulations.

It is well recognized in Maryland that the case of Shultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981) was the principal case setting forth the appropriate guidelines and standards to be used by the Hearing Examiner in determining whether a requested Special Exception use would have an adverse effect upon the health, safety or welfare of the community or neighborhood. This case, decided in 1981, and the Opinion authored by the late Judge Rita Davidson has been principally cited by Hearing Examiners, Zoning Commissioners, Boards of Appeal, as well as Circuit Courts in their analysis of the facts presented in their individual cases. It is interesting to note that the basis for the ultimate standard as presented in Shultz v. Pritts was derived from a Baltimore County case captioned Deen v. Baltimore Gas & Electric, 240 Md. 317 (1965), in which the Baltimore Gas & Electric Company was requesting a Special Exception use for overhead high tension transmission lines. In that case, the Court of Appeals established the principle that "[is] the effect of high tension wires on health, safety and welfare of this area...in any respect

different than its effect on any other rural area. Section 502.1 (the Baltimore County Zoning Regulations) implies that the effect on health, safety or general welfare must be in some sense unique or else a Special Exception could never be granted in such an area for the above ground location of high tension wires." This case then formed the standard relied upon by Judge Davidson in Shultz v. Pritts. (It is hard to imagine how anyone could establish that high tension wires would be any more deleterious in one area than in any other area of the same zone in a rural area). The Court in Shultz, applied the same standard as it had in Deen and articulated what has now become the general holding of the case and that is:

"We now hold that the appropriate standard to be used in determining whether a requested Special Exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that the particular use proposed at the particular location proposed would have any adverse effect above and beyond those inherently associated with such a Special Exception use irrespective of its location within the zone." At page 1331.

However, the Court, in the same Opinion, at page 1327, stated the same principle in a slightly different fashion and that was:

"[These] cases establish that a Special Exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested Special Exception uses would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a Special Exception use located anywhere within the Zone."

Because administrative agencies and Courts in many jurisdictions in the State struggled with the application of the Shultz v. Pritts standard and have on more than one occasion cited it as requiring the granting of a Special Exception because the Protestants failed to establish "uniqueness," the Court of Appeals granted cert. and vacated a Court of Special Appeals decision in the case of Board of County Commissioners v. Holbrook, 314 Md. 210, 550 A.2d 664 (1988). The Honorable Judge Harry Cole wrote the Opinion for the Court in the Holbrook case, and incidentally also sat on the Court at the time of Shultz v. Pritts.

The facts in the Holbrook case are very important to understand before analyzing the facts as presented in the instant case by the Protestants. In the words of the Court in Holbrook,

"Holbrook obtained a temporary building permit in July, 1985, which permitted him to move a mobile home onto his heavily wooded 2.8 acre parcel of land located in a sparsely developed rural area of Cecil County. He placed his mobile home in a small clearing near the border line between his property and a 1.5 acre tract owned by Mr. & Mrs. Peters. In October, 1985, the Peters completed construction of a new residence with a value of \$147,000.00 located less than 150 feet from their neighbor's mobile home... Alarmed at the prospect that their unobstructed view of the nearby trailer would become permanent (when Holbrook applied for a permanent Special Exception), the Peters protested granting of the Special Exception on the basis, that "I do object to a trailer being permanently adjacent to my property because I feel it would be detrimental to the value of my home." Mrs. Peters offered six (6) photographs in evidence.

It is also important to understand that the Court of Special Appeals reversed the Circuit Court and the Board of Appeals' denial of the Special Exception and held "under Shultz, the proper test to be applied by the Board in determining whether to deny the Special Exception was whether evidence was presented which demonstrated that a mobile home on the Appellant's land had any adverse impact effects on the neighboring properties above and beyond those inherently associated with such a Special Exception use irrespective of its location within the AR Zone." The Court of Special Appeals held that since there was no substantial evidence before the Board of Appeals to meet that test, the denial of the Appellant's application was arbitrary, capricious and illegal. Judge Cole, in reversing the Court of Special Appeals, cited the previously recited standard from Shultz v. Pritts and specifically pointed out that:

"We then defined the specific nature of the requisite adverse impact required to warrant denial of the Special Application: (a) a Special Exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the request of Special Exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a Special Exception use located elsewhere within the Zone." At page 217.

The Court went on to state:

"We believe that the facts and circumstances of this case, evidenced by the undisputed testimony in the photographic exhibits clearly satisfy the Shultz standard of particular impact. (emphasis supplied). The evidence revealed that the Peters built their \$147,000.00 house in a uniquely valuable heavily forested low growth area. Moreover, photographs clearly depict the direct and approximate view of the mobile home from the Peters home. The Board found that this evidence vividly indicated that the debilitating effect of the mobile home on the value of the Peters property, inferring thereby that the trailer's continued presence would create significantly greater adverse effects in this location than were it located in other areas in the Zone."

The Court of Appeals found that the mobile home in this particular location would impair neighboring property value to a greater extent than it would elsewhere in the Zone.

It is submitted by the Protestants that the application of the Holbrook case to the instant one will clearly provide the Hearing Examiner with the authority, in view of the evidence presented, to deny the Special Exception request for reasons hereinafter set forth.

Finally, a recent Court of Special Appeals case, People's Counsel for Baltimore County, et al. v. Nicholas Mangione, 85 Md. App. 738, 584 A.2d 1318 (1991) also establishes that the burden placed upon Protestants by many administrative bodies based upon Shultz v. Pritts is not quite as severe as the applications have warranted. In People's Counsel v. Mangione, a Special Exception was requested in Baltimore County for a

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nursing home on a four (4) acre parcel inside a single family detached home area of Lutherville in Baltimore County zoned DR5.5. In that case, the Baltimore County Board of Appeals found that the proposed project would overwhelm and dominate the surrounding landscape. The Court of Special Appeals recited Judge Cole's comments in Holbrook as well as quoting from Shultz v. Pritts when it was stated "a Special Exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses, which the Legislature has determined to be permissible, absent any fact or circumstance negating the presumption. (emphasis supplied). In Mangione, the Baltimore County Board of Appeals relied upon and the Court of Special Appeals affirmed, that testimony of odors being generated from the site, as well as traffic on narrow winding streets, as well as the project dominating the surrounding landscape, were all appropriate factors from which the trier of fact could determine that the Shultz standard of particular adverse impact was satisfied.

If these then are the legal standards by which the Zoning Commissioner must view the requested Special Exception at the specific location in question, it is submitted by Protestants that the location of this site at the end of Pleasant Villa Avenue, the single family surrounding properties which are heavily concentrated around this old manor house, the

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narrowness to Pleasant Villa Avenue, the incredible invasion of the back yards of those residents residing on Neepier Road, all mitigate against the effort by the Petitioner in this case to "shoehorn" this use into the subject site.

WHEREFORE, Protestants respectfully submit that the Zoning Commissioner should deny the request of the Petitioner's for the Special Exception, for the modification of the RTA requirements and for the variances requested for the reasons herein set forth above.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 1992 a copy of the foregoing Protestants Memorandum was mailed, postage prepaid to: Steve Nolan, Esquire, Nolan, Plumhoff & Williams, Chtd., 210 West Pennsylvania Avenue, Suite 700, Court Towers, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

c:\wp\memo\senior.mem

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IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - E/S of Pleasant Villa Avenue N of C/1 Rockwell Avenue 2200 Pleasant Villa Avenue 1st Election District 1st Councilmanic District
Brenda Walker and Theodore Sauls Legal Owners
Lifespring Senior Housing, Inc., Developer

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
* Case No.: 92-306-XA

NOTICE OF APPEAL TO COUNTY BOARD OF APPEALS

Protestants in the above captioned case, West Catonsville Community Association, Inc., by and through their attorney, J. Carroll Holzer, hereby note an appeal of the decision of the Zoning Commissioner in Case No.: 92-306-XA rendered on July 1, 1992 as it relates to both the Petition for Special Exception and Petition for Zoning Variance.

J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960
Attorney for Protestants

7-24-92 au

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 WEST CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 1992, a copy of the foregoing Notice of Appeal was mailed, first-class, postage pre-paid to: Steven J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chtd., Court Towers, Suite 700, 210 West Pennsylvania Avenue, Towson, Maryland 21204 and Baltimore County Board of Appeals, Basement, Old Courthouse, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

notice-1\c-ville.not

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IN THE MATTER OF THE APPLICATION OF BRENDA WALKER, ET AL FOR A SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE EAST SIDE PLEASANT VILLA AVENUE, 793' NORTH OF CENTERLINE ROCKWELL AVENUE (2200 PLEASANT VILLA AVENUE) AND LIFESPRIING SENIOR HOUSING, INC.
RE: CRG DECISION
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
* OF BALTIMORE COUNTY
* CASE NO. 92-306-XA AND
* CASE NO. CBA-92-123

ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision of the Zoning Commissioner dated July 1, 1992 which granted the requested Petition with restrictions; and also on appeal from the decision of the County Review Group (CRG) dated February 13, 1992 wherein the Plan was approved. The Board received one full day of testimony and evidence, and the matter was continued to November 24, 1992 for a second day. On November 23, 1992, J. Carroll Holzer, Counsel for Appellants/Protestants, the West Catonsville Community Association, submitted to the Board's office a fax copy of a letter dated November 23, 1992 from the above-named Appellants indicating their intention to withdraw the appeals taken in Case No. 92-306-XA and Case No. CBA-92-123.

The matter came on for hearing on November 24, 1992 as scheduled. Stephen J. Nolan, Esquire, Counsel for Petitioner, moved for dismissal for nonappearance. Michael J. Moran, Associate County Attorney for Baltimore County, was also present and in agreement with the Motion to Dismiss. J. Carroll Holzer, Esquire,

Case No. 92-306-XA /Case No. CBA-92-123
Brenda Walker, et al /Lifespring Senior Housing, Inc.

was present and confirmed the intention of the Appellants to withdraw both appeals.

Based upon the nonappearance of the Appellants, the West Catonsville Community Association, and the November 23, 1992 fax copy of the letter of withdrawal from said Appellants, this Board will grant the Motion to Dismiss by Petitioner's Counsel and will so order.

THEREFORE, IT IS HEREBY ORDERED this 19th day of January, 1993 by the County Board of Appeals of Baltimore County that said appeals be and the same are hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Charles Clark
C. William Clark
Diane Levero
S. Diane Levero

RE: LIFESPRIING SENIOR HOUSING, INC. (CRG APPEAL)
N & SE/end Pleasant Villa Ave. N. Rockwell Avenue & E. Neepier Road
and
RE: PETITION FOR SPECIAL EXCEPTION AND ZONING VARIANCE for Group Senior Assisted Living Facility (2200 Pleasant Villa Avenue)
1st Election District
1st Councilmanic District
BRENDA WALKER, et al.
Petitioners

* BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
* Consolidated Case Nos. CBA-92-123 and 92-306-XA
* Hearing Date: September 10, 1992

RETURN OF PRIVATE PROCESS SERVER

The undersigned hereby declares and affirms under the penalties of perjury, that the facts hereinafter are true and correct to the best of my knowledge, information and belief:

1. I am not a party to this action.
2. I am over eighteen (18) years of age.
3. I am competent to testify as to the matters contained in this return of service.
4. On September 9, 1992, at the Department of Public Services, 111 W. Chesapeake Avenue, Towson, Maryland 21204, I personally hand-delivered and served upon Mr. David Thomas who was satisfactorily identified to me a Subpoena dated September 9, 1992.

Kristin L. Kremer
KRISTIN L. KREMER
NOLAN, PLUMHOFF & WILLIAMS, CHTD
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(410) 823-7800

1703C

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
E/S Pleasant Villa Ave., 793 ft. *
N of c/l Rockwell Ave. * OF BALTIMORE COUNTY
2200 Pleasant Villa Avenue *
1st Election District * Case No. 92-306-XA
1st Councilmanic District *
Brenda Walker & Theodore Sauls, *
Legal Owners *
Lifespring Senior Housing, Inc., *
Developer *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for that property known as 2200 Pleasant Villa Avenue in the Catonsville section of Baltimore County.

As to the Petition for Special Exception, the property owners seek approval for use of the site as an assisted living facility of 15 beds in a D.R.5.5 zone for elderly housing, pursuant to Section 432.1.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a request to modify/waive the residential transition area standards, pursuant to Section 432.4 of the B.C.Z.R., to the maximum extent possible for the existing building and proposed site improvements as shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variances. As to the variances, there are four (4) in number. Specifically, the Petitioner seeks relief from 3 setback standards as set forth in Section 1802.2 of the B.C.Z.R. If granted, these variances would permit a 24 ft. rear yard setback, in lieu of the minimum 30 ft. required, a 24 ft. window to tract boundary setback in lieu of the 35 ft. required, and a 24 ft. building to tract boundary setback in lieu of the 35 ft. required. Also requested is a variance as it relates to signage; to permit a variance from

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Section 413.1.a to allow a 24 x 36" sign in lieu of the 1 square foot allowed. It is also to be noted that, at the hearing, the property owner amended her Petition so as to limit the scope of the special exception to an assisted living facility for persons 62 years of age or older and, thereby, restrict the use of the property to elderly residents as distinguished from persons of any age who have a physical or developmental disability.

The property owners, Brenda Walker and Theodore Sauls, appeared and were represented by Stephen J. Nolan, Esquire. Numerous residents of the community also appeared in opposition to the Petition. They were represented by J. Carroll Holzer, Esquire. Phyllis Friedman from the Office of the People's Counsel also participated in the hearing.

The hearing on this case consumed two (2) full days and numerous witnesses testified both in favor of and against the subject Petitions. These included expert witnesses who testified on both sides of the issues presented. Additionally, a significant amount of documentary evidence was submitted and has been reviewed. Also, I have inspected the subject site and walked the property. Both parties submitted post hearing memoranda in support of their positions. These memoranda included a summary of the relevant testimony offered and the respective legal arguments. Rather than restating that testimony herein, only relevant portions thereof will be referenced within the discussion of the issues. All of this evidence was weighed and considered.

An understanding of the physical characteristics of the site and its history is significant. The property consists of approximately 1.33 acres and is located at the end of Pleasant Villa Avenue in the Catonsville section of Baltimore County. The site is an "estate home" and was built in

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approximately 1849. The property was originally known as Rockwell and no doubt was the center piece of a large tract which now constitutes the surrounding community.

The front entrance to the property is from the deadend of Pleasant Villa Avenue. Access to Pleasant Villa is by way of Rockwell Avenue. After turning onto Pleasant Villa from Rockwell Avenue, one passes approximately seventeen (17) homes on either side of Pleasant Villa Avenue until reaching the subject property.

Residential development also abuts the rear of the property. These houses are located on Neepier Road. This winding road features houses which border on both the rear (north) and the side (west) of the subject property. To the east of the site, residences are being constructed along Hahn Avenue. Thus, the property is entirely surrounded by residences.

A comment as to the improvements on the subject property is also in order. The original structure was built in 1849. After remaining in the family of the original owners for many years, an attached "townhouse" was added to the original structure. Later, in the 1940s, the property was converted into four (4) apartments. More recently, it was reconverted to a single family dwelling and was used as a home for unwed mothers and headquarters of Apostolus Uniti, an order affiliated with the Catholic Church. Mrs. Walker and Mr. Sauls, the Petitioners, purchased the property in 1991. They have converted same to a group senior assisted home which presently houses six (6) residents.

As to the interior of the building, it is comprised of three (3) floors. The first floor features a dining room, living room, chapel and kitchen. This part of the floor plan is intended as common area for use by all of the residents. Also, there are two bedroom and bathroom facilities

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on the first floor. It is envisioned that the dining room will be used to provide shared meals to the residents. The second and third floors are comprised entirely of private and semi-private bedrooms and bath facilities, as shown on Petitioner's Exhibit No. 12.

Having provided a history and description of the property, consideration must now be given towards the issues generated by the Petitions filed. As indicated, relief is sought in three (3) areas; namely, as a request for a special exception to permit an assisted living facility, a request for modification and/or waiver of the residential transition area requirements and a variance from numerous setback and sign regulations. These requests will be addressed, in turn.

1. Petition for Special Exception for Fifteen (15) Bed Elderly Resident Facility.

Section 432.1.A.1 of the B.C.Z.R. provides that three (3) or fewer residents in an Assisted Living Facility are permitted as of right. Pursuant to Section 432.1.A.2 of the B.C.Z.R., Assisted Living Facilities for four or more people are permitted by special exception. As indicated, the property currently has six (6) residents which the Petitioner avers are permitted as of right. While the Protestants claim that only three (3) are permitted here under the regulations, the Petitioners maintain that six (6) are permitted because the site supports two structures, namely, the old mansion house and the attached townhouse. In either event, the Petitioner seeks permission to house fifteen (15) residents, thus, the need for the special exception.

Consideration of any Petition for Special Exception requires me to evaluate the request in context with the provisions of Section 502.1 of the B.C.Z.R. That is, the Petitioner has the burden of adducing testimony and

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evidence which satisfies those listed criteria contained within Section 502.1.(a) thru 502.1.(h).

In evaluating this and any other special exception, I must be mindful that a special exception use, under law, is presumptively valid. That is, the legislative body, in this case, the Baltimore County Council, has identified certain uses as permissible by special exception and, therefore, under law, has mandated these uses as valid prima facie. Noted in the Court of Special Appeals, "It (a special exception) is a part of a comprehensive zoning plan, sharing the presumption that it is in the interest of the general welfare and is, therefore valid". Peoples Counsel v. Mangione, 85 Md. App. 738, 584 A2d 1318 (1991) page 1322. In Schultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981) the Court noted "The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and, therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible, absent any fact or circumstance negating the presumption."(p. 1325)

In considering the proposed special exception before me, certain of the prongs set forth in Section 502.1 need be examined as they apply to the subject Petition. Specifically, the Protestants first claim that the special exception should not be granted under the criteria offered in Section 502.1.(d); that the use would tend to overcrowd land and cause undue concentration of population. In evaluating the proposed use, and while particularly comparing same with alternative uses permitted as of right, the Protestants' argument must be rejected in this respect. The site of 1.33 acres in area and the mansion house which sits thereon is easily large enough to

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accommodate fifteen (15) residents. Further, as was noted in the testimony of Bernard Semon, a real estate appraiser, the property's acreage and zoning classification is sufficient to support over eight (8) individual dwelling units. In that the County Council has determined sufficient acreage exist to support that many residential units, it is clear that the property and structure thereon is sufficiently sized to accommodate the Protestants' plans.

A second argument offered by the Protestants in opposition to the special exception arises out of Section 502.1.(g) of the B.C.Z.R. Under this standard, the Protestants claim that the proposal is inconsistent with the purposes of the property's zoning classification. Specifically, it is alleged that this is a commercial operation, incompatible with the surrounding residential uses. Although there is no doubt that the Petitioner will be remunerated for the services performed at the site, I do not find the nature of those services and the proposed use to be incompatible with the surrounding locale. Whether the proposed use on the site should be labeled "commercial" or "residential" is not relevant. What is significant is my finding that the housing of fifteen (15) elderly residents, who are not in need of ongoing medical care, but rather function with a high degree of independence, is compatible in this neighborhood. Perhaps if the proposed facility was a nursing home or hospice, the Protestants' arguments might be persuasive. However, in this case, I find that the housing of the elderly in this setting is compatible with the surrounding use. Thus, based upon the testimony and evidence presented, I find that the proposed use is consistent with the property's zoning classification and the residential neighborhood in which it is located.

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A third argument arising against the proposed special exception is the Protestants' claim that the use would tend to create congestion in roads, streets or alleys and, therefore, is violative of Section 502.1.b. In my view, this is where the Protestants offer their best argument. As indicated heretofore, the property is located at the end of Pleasant Villa Avenue, a deadend street. The nearest intersection to the site is at Pleasant Villa Avenue and Rockwell Avenue. Near that intersection, Pleasant Villa is only 18 feet wide. However, as one travels along Pleasant Villa Avenue towards the site, the street widens to approximately 30 ft. The Protestants believe that the narrowness of Pleasant Villa Avenue, along with traffic generated by the proposed use, could adversely affect traffic conditions within the neighborhood. Further, the residential character of Pleasant Villa Avenue and the small children who play therein causes concern.

In evaluating this criteria, the well recognized principal authored by the Court of Appeals in the Schultz case is relevant. Schultz v. Pritts, supra, requires me to ascertain "... whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."(p.1327) In support of their arguments, the Protestants aver that the narrowness of Pleasant Villa Avenue and its deadend terminus at the site are characteristics which distinguish the adverse effects of the proposed use at this location. Although the Protestants' concerns, in this regard, are well intentioned, I do not find sufficient facts which would require me to deny the Petition due to the above cited principals set forth in Schultz. Although there will clearly be some increase in traffic for the proposed fifteen (15) resident use when

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compared with the existing six (6) residents, I believe that increase will be minor and will not cause any unique detriment to this locale. This determination is based upon the realization that, for the most part, the fifteen (15) residents will not drive. Further, although there will continue to be employee trips, delivery trips, etc., there will not be a significant increase in the number of trips to service the proposed fifteen (15) residents, when compared with the number of trips presently made to service the existing six (6) residents. Thus, for those reasons, I am persuaded that the use will not create congestion in roads, streets or alleys, as required by Section 502.1.B.

As to the remaining prongs under Section 502.1, they are either not expressly applicable in this instance, or the answer to the questions presented therein is in the negative. That is, in my view, this use will not be detrimental to the health, safety or general welfare of the locale involved and, as such, must be granted.

2. Petition for Special Exception to Waive R.T.A. requirements

The second request within the Petition for Special Exception is to modify and/or waive the Residential Transition Area standards to the maximum extent possible for the existing and proposed building and site improvements. In support of this request, the Petitioner presents two theories. First, it is argued that the R.T.A. requirements do not apply to this existing site. In this respect, the Petitioner's arguments are rejected. Clearly, the intent purpose of the R.T.A. is to protect the surrounding residential community from new uses. Although it is true that the existing dwelling is to be converted, the use of the property is, in fact, new. This is the first occasion in which permission is requested to operate an elderly facility on this site. In fact, the use has existed only since Mrs. Walk-

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er's purchase of the property in 1991. In my view, the fact that the building is being converted rather than constructed, is not of significance in the application of the R.T.A. requirements. Further, it is noted that limited improvements are being made to the site in terms of parking. For all of these reasons, the R.T.A. requirements are applicable. That holding being made, attention is now directed to the Petitioner's second theory. This alternative is based within the provisions set forth in Section 432.4 of the B.C.Z.R. That section provides, in part, that the Zoning Commissioner may, by special exception, modify or waive the R.T.A. restrictions where an elderly housing facility development would be severely or adversely affected by those restrictions. Thereafter, the section provides a three (3) prong test for consideration as to whether the special exception should be granted.

First, it should be noted that strict enforcement of the R.T.A. requirements would severely and adversely affect the development of the elderly housing facility. This point seems clear, not only from the testimony of the Petitioner's planning expert, Mr. Norman Gerber, but from the testimony of Mr. James Patton, the Protestants' expert. Both noted that the R.T.A. requirements are much so as to limit development of an elderly facility anywhere on the site. As noted earlier herein, the property is surrounded on all sides by residential development. Thus, the R.T.A. buffer areas extend well across the property when measured from the various surrounding communities. That being the case, attention is then turned to the specific requirements found within Sections 432.4.A., B. and C. of the B.C.Z.R.

As to Section 432.4.A., a finding is required that compliance with all or part of the R.T.A. restrictions would cause unreasonable hardship on the

- 9 -

development. This test is similar to that offered in the introductory paragraph of Section 432.4 which provides that a severe or adverse result would result if the R.T.A. restrictions were applied. For the reasons offered by Mr. Gerber and as echoed by Mr. Patton, I so find that compliance with the R.T.A. provisions would cause unreasonable hardship on the property owners.

As to Section 432.4.B., a finding is required that the quality of the site design and amenities provided would justify a modification or waiver of the R.T.A. restrictions. Again, it was the testimony of the expert witnesses (Mr. Gerber for the Petitioners and Mr. Patton for the Protestants) which is relevant. After consideration of the evidence and testimony presented, I am persuaded that the quality of the site design and amenities provided do justify a waiver of the R.T.A. requirements. Particularly, I am impressed by the Petitioners' effort to retain the existing character of the structure. This is particularly evident in that the Petitioners have obtained a waiver of the Department of Public Works' original requirement that the circular driveway be widened and improved. A continuation of the existing appearance of that access is favored by all. Further, the Petitioners will be required, by a restriction within this Order, to submit a landscape plan to be approved by the Landscape Architect. Most importantly, it is observed that the Petitioners will maintain the character of the property and existing structure thereon. This estate home, which was constructed nearly 150 years ago, is entirely consistent with the surrounding locale and should be preserved. Further, it is noted that little external improvement will be necessary. Certainly, that which is proposed will not cause the site to lose its physical compatibility with the surrounding locale.

- 10 -

The Petitioners most difficult test arises from compliance with Section 432.4.C. of the B.C.Z.R. Specifically, the regulation provides that a determination need be made that "The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood." Four standards are enunciated, that is whether, (1) the use, (2) the peaceful enjoyment, (3) the economic value, and (4) the development, of the surrounding locale, will suffer a detrimental effect due to the proposal.

In examining this criteria, it is clear that the proposed facility will not detrimentally affect the development of the surrounding properties and general neighborhood. In considering this criteria, speculation is not necessary. Testimony presented is that construction of a residential neighborhood on Hahn Avenue is presently being completed. In fact, when I inspected the subject property, construction was ongoing. Based on this construction, it is clear that the proposed use, of which all surrounding property owners are aware of through the public hearing process, has not detrimentally affected the development of the general neighborhood.

As to a second criteria, namely, the peaceful enjoyment, I, likewise, find the Petitioners have met their burden. I have previously discussed the traffic impact which is a consideration in evaluating the impact of the use on the neighbors' peaceful enjoyment of their properties. I do not believe that the traffic will detrimentally affect the surrounding residence from the peaceful enjoyment of their properties. Further, the use does not encompass any loud or otherwise obnoxious activity on site which might also affect the peaceful enjoyment of the surrounding locale. It is hard to imagine a less intrusive use than an elderly care facility. This facility will not generate pollution, be it noise, air, or litter. For

- 11 -

those reasons, I find no detrimental effect to the peaceful enjoyment of the surrounding properties.

The third prong offered by Section 432.4.C. concerns the use of the surrounding properties and general neighborhood. The considerations in evaluating this criteria are similar to those relating to the peaceful enjoyment of the property. As indicated heretofore, the use of the surrounding neighborhood is exclusively residential. For the reasons set forth above, I find no detrimental effect of the proposed facility as it relates to the surrounding use.

The last criteria presented relates to the possible detrimental effect on the economic value of the surrounding properties and general neighborhood. This presents the most difficult consideration. There was significant testimony offered on this issue. On behalf of the Protestants, Bernard F. Semon testified. Mr. Semon was accepted as an expert witness, as a real estate appraiser. He testified that he was very familiar with the area and testified that the highest and best use of the subject property would be for residential purposes. He noted the limited access to the site and the narrowness of the mouth of Pleasant Villa Road near its intersection with Rockwell Avenue. In his view, the community would be better served if the subject property were developed residentially. He acknowledged that this might include destruction of the existing estate house and extension of Pleasant Villa Avenue.

Other residents of the surrounding community also testified. Many of these residents recently purchased their homes. Their testimony was consistent that they would not have purchased their homes if they had known of the proposed use of this site. In their view, their properties will depreciate if the Petition for Special Exception is granted.

- 12 -

In opposition to this testimony, the Petitioner presented that testimony of Ned Griffith, a real estate broker and appraiser. As with Mr. Semon, he was accepted as an expert witness and is familiar with the area. In his opinion, development of the proposed site will not detrimentally effect the economic value of the properties which surround this site. It is interesting to note that Mr. Griffith's basis for comparison in evaluating a proposed fifteen (15) bed elderly care facility is with any permissible use, including the present six (6) bed facility. This is contrasted with Mr. Semon's approach of comparing the proposed use of the property with what he characterized as the land's highest and best use, namely, residential development.

In evaluating these approaches, I believe Mr. Griffith is most appropriate. The economic effect of the proposed special exception use should be compared with any permissible use thereon. That is, the owner of any property has the unquestionable right to develop their property in any manner consistent with the regulations. Thus, to arbitrarily impose a comparison with residential uses unfairly penalizes the property owner and presents an undue burden.

This being the case, I cannot find any detrimental economic value when comparing the proposed use of a fifteen (15) bed elderly facility with the present six (6) bed use, or even a three (3) bed use which the Protestants deem is proper. I do not believe that the economic detriment, if any, would be any different if the facility houses only three (3) residents, as opposed to fifteen (15). That being the case, I find no economic detriment and must, therefore, conclude that the Petitioner has complied with all of the requirements of Section 432.4.

3. Variances from Setback and Sign Requirements

- 13 -

The last issue for consideration regards the proposed variances as they relate to setback and sign requirements. As indicated previously within this opinion, the Petitioners propose no exterior alteration to the estate house presently on site. Thus, the setback requirements are only to legitimize an existing condition. After reviewing the site plan and inspecting the property, I am persuaded that the variances should be granted. In my view, the testimony and evidence presented at the hearing sufficiently complies with the requirements of Section 307 of the B.C.Z.R. I find no evidence that a granting of the setback variances would adversely affect the health, safety, or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. will result in practical difficulty and/or unreasonable hardship upon the Petitioners.

In evaluating the sign variance, an identical result is reached. A review of the evidence discloses that the proposed sign is tasteful and does not overwhelm the property or surrounding locale. In fact, its employment is beneficial in that it will direct visitors to the site and might prevent unnecessary confusion and traffic congestion in the locale. As with the setback variances, I find that the evidence submitted is sufficiently persuasive to support a finding that the subject variance will not adversely affect the health, safety and/or general welfare of the public. Further, strict compliance with the B.C.Z.R. would, in fact, result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Having reached the above conclusions, only a final comment need be offered. Certain restrictions shall be attached to the approval granted by this opinion to insure continued compatibility of the use with the surrounding locale. These restrictions were considered and adopted after considera-

- 14 -

tion of the evidence and testimony offered, including the Zoning Advisory comments offered by the staff.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of July, 1992 that, pursuant to a Petition for Special Exception, approval for use of the site as an assisted living facility of fifteen (15) beds in a D.R.5.5 zone for elderly housing, from Section 432.1.A.2 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a request to modify/waive the residential transition area standards, pursuant to Section 432.4 of the B.C.Z.R., to the maximum extent possible for the existing building and proposed site improvements, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance seeking relief from 3 setback standards, as set forth in Section 1B02.2 of the B.C.Z.R., to permit a 24 ft. rear yard setback in lieu of the minimum 30 ft. required; a variance to allow a 24 ft. window to tract boundary setback, in lieu of the 35 ft. required; and a variance to allow a 24 ft. building to tract boundary setback, in lieu of the 35 ft required, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.1.a to allow a 24 x 36" sign in lieu of the 1 square foot allowed, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:


1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible

- 15 -

for returning, said property to its original condition.

2. The Petitioners shall landscape the property in accordance with that shown on Petitioners' Exhibit No. 5, which shall be further approved by the Baltimore County Landscape Architect.

3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC) require that maintenance, household and general supply deliveries to the site will be restricted between the hours of 9:00 A.M. to 3:00 P.M., Monday thru Friday, from September thru June, and before 9:30 A.M. in July and August.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 7/1/92
By Mr. D. H. H. H.

- 16 -

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

February 4, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #297, Zoning Advisory Committee Meeting of
January 28, 1992, Brenda Walker & Theodore Sauls, E/S Pleasant
Villa Avenue, 793' N of centerline Rockwell Avenue (#2200 Pleasant
Villa Avenue), D-1, Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

Prior to approval of a Building Permit Application for renovations to
existing or construction of new health care facilities, complete plans and
specifications of the building, food service area and type of equipment to
be used for the food service operation must be submitted to the Plans Review
and Approval Section, Division of Engineering and Maintenance, State
Department of Health and Mental Hygiene for review and approval.

SSF:rmp

297.ZNG/GWRMP

RECEIVED
MAR 5 1992

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

To: Lawrence E. Schmidt
Zoning Commissioner
From: Frank W. Welsh, Director
Department of Community Development
Date: February 25, 1992
RE: Lifespring Senior Housing, Inc.
Special Exception - No. 92-306-XA

It is my understanding that Brenda Walker and Theodore Sauls, the
owners of Lifespring Senior Housing, Inc., have applied for a Special
Exception and several setback variances to establish a Group Senior
Assisted Home (GSAH) of 15 beds in Catonsville. The property is located on
Pleasant Villa Avenue. The hearing date has been scheduled for March 26,
1992 at 10 a.m.

GSAHs provide a home for senior citizens who no longer are capable of
living on their own, but do not need the intensive care of a nursing home.
GSAH is a state program which mandates that each facility must have 24-hour
supervision, serve three meals a day, and provide assistance with
activities of daily living, such as bathing, dressing and housecleaning.
The residents must be ambulatory and be able to respond in an emergency
situation.

There is a great need for this type of facility in Baltimore County,
especially in Catonsville. It is estimated that over 23 percent of the
Catonsville Regional Planning District (RPD) population is elderly. This
equates to over 6,800 persons.

Ms. Walker has extensive experience in operating a GSAH. She
established the first certified GSAH in the Baltimore City in 1983 and
expanded to a second site a few years later. Ms. Walker has demonstrated
her capability to manage a GSAH and I believe she will again operate a
successful home, without intrusion or disturbance to the neighborhood.

Small efforts like Ms. Walker's are important if the County is going
to be able to meet the growing demand for elderly housing. Since it is a
goal of this department to ensure all residents have an appropriate place
to live, I would appreciate you giving every consideration to the need for
this type of housing when making your zoning decisions.

FWW:TH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 13, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 25, 1992

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 321, 322, 323, 324 and 327.

For Items 297 and 326, the previous County Review Group
Comments still apply.

For Item 80 (Case No. 90-282-SPHXA), a continued County
Review Group Meeting and revised plan are required.

For Item 318, the site must be submitted through the new
subdivision process for review and comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 17 1992

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 28, 1992

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 285, 289, 290, 291, 293, 294, 295 and 296.

For Items 286 and 292 County Review Group Meetings will
be required.

For Item 297, the previous County Review Group Comments
still remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management
FROM: A. J. Haley, Deputy Director
Economic Development Commission
DATE: January 29, 1992
RE: Zoning Advisory Comments for Meeting of January 28, 1992

This office has no comment for items 285, 286, 289, 290, 291, 292, 293,
294, 295, 296 and 297.

RECEIVED
JAN 30 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 30, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BRENDA WALKER AND THEODORE SAULS
Location: #2200 PLEASANT VILLA AVENUE
Item No.: 297 Zoning Agenda: JANUARY 28, 1992
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

REVIEWER: *[Signature]* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JP/KEK

700 East Joppa Road Suite 901
Towson, MD 21204-5500

MARCH 3, 1992

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

Gentlemen:

REVISED PETITIONS AND PLATS WERE RECEIVED FOR ITEM #297 ON FEBRUARY
14, 1992

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

REVIEWER: *[Signature]* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JP/KEK

RECEIVED
MAR 5 1992
ZONING OFFICE

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
E/S Pleasant Villa Ave., 793' :
N of C/L Rockwell Ave. (#2200 :
Pleasant Villa Ave.) :
1st Election District :
1st Councilmanic District :
BRENDA WALKER & THEODORE SAULS, : Case No. 92-306-XA
Petitioners : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notices should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or final
Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 27th day of February, 1992, a
copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan,
Esquire, Nolan, Plumbhoff & Williams, Chtd., 700 Court Towers, 210 W.
Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners.

RECEIVED
MAR 27 1992

ZONING OFFICE

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 17, 1992

Stephen J. Nolan, Esquire
Nolan, Plumbhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 92-306-XA
Petitions for Special Exception and Zoning Variance
Legal Owners: Brenda Walker and Theodore Sauls
Developer: Lifespring Senior Housing, Inc.

Dear Mr. Nolan:

With reference to the above captioned case, please be advised that this office has become aware that Restriction No. 3, regarding general supply deliveries to the site, in my Order dated July 1, 1992, is in error. The restriction should have read "... household and general supply deliveries to the site will be restricted between the hours of 9:00 A.M. to 3:00 P.M., Monday thru Friday, from September thru June, and before 9:30 A.M. in July and August."

I regret any inconvenience this may have caused you.

With kindest regards, I am,

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Ms. Brenda Walker, 2200 Pleasant Villa Avenue, 21228
J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Md. 21204
Mr. and Mrs. N. Barnes, 429 Neeper Road, Catonsville, Md. 21228
Mr. and Mrs. Robert Baldwin, 2032 Pleasant Villa Avenue, 21228
Phyllis Friedman, Esquire, Peoples Counsel, Court House, Towson

Roger B. Hayden
County Executive

400 Washington Avenue
Towson, Maryland 21204
887-2450

April 22, 1992

Mr. & Mrs. Robert Baldwin
2032 Pleasant Villa Avenue
Baltimore, Maryland 21228

RE: Proposed Group Senior Assisted Housing
(Case No. 92-306-XA)
2200 Pleasant Villa Avenue
1st Election District

Dear Mr. & Mrs. Baldwin:

I am in receipt of your letter of February 18, 1992 concerning the group senior assisted housing (GASH) project proposed for the above-referenced location.

A public hearing, wherein the petitioner requested a special exception and variances, was held on March 26, 1992, before the zoning commissioner. A decision has not been rendered at this time. However, a precedent would not be set if, in fact, the petitions were granted. Each case stands on its own merits and in no way entitles other similar situations to occur without going through the required quasi-judicial hearing process. So that you may be apprised of the outcome of the hearing when it is rendered, I have asked that a copy of the decision be forwarded to you.

Affordable housing for the elderly is an important issue facing us as we watch the "greying of America". In past times, the elderly were cared for in the homes of their families. Today, with people living longer, many older Americans wish to preserve their independence as long as possible without burdening their families. Such housing as proposed for your community is a means of doing this. Although I cannot become involved in zoning issues, I would encourage your community to embrace this new housing concept and to work together in order to benefit all involved.

Thank you for bringing your concerns to my attention.

Sincerely,

Roger B. Hayden
County Executive

RBH/DTR/srl

cc: Lawrence E. Schmidt
Zoning Commissioner

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 17, 1992

Stephen J. Nolan, Esquire
Nolan, Plumbhoff and Williams
Court Towers, Suite 700
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 92-306-XA
Petitions for Special Exception and Zoning Variance
Legal Owners: Brenda Walker and Theodore Sauls
Developer: Lifespring Senior Housing, Inc.

Dear Mr. Nolan:

With reference to the above captioned case, please be advised that this office has become aware that Restriction No. 3, regarding general supply deliveries to the site, in my Order dated July 1, 1992, is in error. The restriction should have read "... household and general supply deliveries to the site will be restricted between the hours of 9:00 A.M. to 3:00 P.M., Monday thru Friday, from September thru June, and before 9:30 A.M. in July and August."

I regret any inconvenience this may have caused you.

With kindest regards, I am,

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Ms. Brenda Walker, 2200 Pleasant Villa Avenue, 21228
J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Md. 21204
Mr. and Mrs. N. Barnes, 429 Neeper Road, Catonsville, Md. 21228
Mr. and Mrs. Robert Baldwin, 2032 Pleasant Villa Avenue, 21228
Phyllis Friedman, Esquire, Peoples Counsel, Court House, Towson

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 3, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
E/S Pleasant Villa Avenue, 793 ft. N of c/1 Rockwell Avenue
(2200 Pleasant Villa Avenue)
1st Election District, 1st Councilmanic District
BRENDA WALKER & THEODORE SAULS - Legal Owners
LIFESPRING SENIOR HOUSING, INC. - Developer
Case No. 92-306-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 24, 1992 by J. Carroll Holzer, Attorney on behalf of the Protestants, West Catonsville Community Association, Inc.. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:cer

cc: Brenda Walker - 2200 Pleasant Villa Avenue, Catonsville MD 21228

Theodore Sauls - 2901 Fallstaff Road, Baltimore MD 21209

Stephen J. Nolan

210 W. Pennsylvania Avenue, Suite 700, Towson MD 21204

Norman E. Gerber - 35 Pickburn Court, Cockeysville MD 21030

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue, Suite 105, Towson, MD 21204

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

APPEAL

Petition for Special Exception and Zoning Variance
E/S Pleasant Villa Avenue, 793 ft. N of c/1 Rockwell Avenue
(2200 Pleasant Villa Avenue)
1st Election District - 1st Councilmanic District
BRENDA WALKER & THEODORE SAULS - LEGAL OWNERS
LIFESPRING SENIOR HOUSING, INC. - DEVELOPER
Case No. 92-306-XA

Petition(s) for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's Post Hearing Memorandum of Law

Protestant's Memorandum

Petitioner's Exhibits:

1. Plat to accompany Petitions
2. Letter from Zoning to L. T. Bohager
3. Lifespring SPX and RTA Regulations
4. Plan showing RTA & Building Setbacks
5. Plan showing Buffers (Orange highlighter).
7. Photograph of Residents of Lifespring
8. Listing of the Mansion House
9. Resume of James S. Patton
- 6, 9A & 9B - Fire Inspection Reports
10. Lifespring Fire Evacuation Plans
11. Lifespring's History and Purpose
12. Floor Plans
14. Letter from Stephen J. Nolan
15. Resume of Edward A. Griffith
16. Photographs of site
17. Introduction to Apostolatus Uniti
18. Resume of Norman E. Gerber
19. Comparison of Trips

Appeal Checklist - Case No. 92-306-XA
August 3, 1992
Page 2

20. Memo Re: Cul-de-sac Requirements

21. Marked Up Plat to accompany Petitions

Unmarked Exhibits:

Numerous Support Letters

Protestant's Exhibits:

1. Enlarged photo of front of Lifespring
4. Enlarged photo/Drawing - Proposed parking
5. Photo album of area
- 2 - 19 - Photographs of the site
20. Westchester Aerial Map

Unmarked Exhibits:

Numerous opposing petitions

Zoning Commissioner's Order dated July 1, 1992 (Granted with Restrictions)

Appeal request received July 24, 1992 from J. Carroll Holzer, Attorney on behalf of the Protestants

cc: Brenda Walker - 2200 Pleasant Villa Avenue, Catonsville MD 21228

Theodore Sauls - 2901 Fallstaff Road, Baltimore MD 21209

Stephen J. Nolan

210 W. Pennsylvania Avenue, Suite 700, Towson MD 21204

Norman E. Gerber - 35 Pickburn Court, Cockeysville MD 21030

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee

305 West Chesapeake Avenue, Suite 105, Towson, MD 21204

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

8/5/92 - Following parties notified of hearing set for September 10, 1992 at 11:00 a.m. consolidated with Case No. CBA-92-123 (Life Spring Senior Housing, Inc.):

J. Carroll Holzer, Esquire
Catonsville Comm. Assoc., Inc.
Stephen J. Nolan, Esquire
Ms. Brenda E. Walker and
Mr. Theodore B. Sauls
Mr. Norman E. Gerber
Hickory Engineering Co., Inc.
People's Counsel for Baltimore County, Director of Planning
Lawrence E. Schmidt, Timothy M. Kotroco, W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey, David L. Thomas, Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon

9/11/92 - Above parties notified of Day #2 set for November 24, 1992 at 10:00 a.m.

11/23/92 - Copy of FAX letter hand-delivered by Carroll Holzer; letter is from his client (West Catonsville Community Assn.), Appellants/Protestants in this matter, indicating that they are withdrawing their appeal against Lifespring, Inc.

- Contacted S. Nolan (C. Holzer does not plan on being here on 11/24/92 in light of clients' dismissal); also contacted WTH and Board members; WTH to come in in the event someone else shows up at time of hearing.

- Mr. Holzer will provide written notification to Board regarding dismissal of appeal (delivered copy of FAX en route to Zoning Commissioner's hearing on another matter).

11/24/92 - S. Nolan appeared on behalf of Petitioner; M. Moran appeared on behalf of Office of Law; WTH, Chairman. Nolan moved to dismiss /nonappearance. Agreement of M. Moran. Motion granted for nonappearance and FAX in file regarding intent to dismiss. Dismissal to be written when letter of dismissal from C. Holzer is received.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 19, 1993

J. Carroll Holzer, Esquire
HOLZER, MAHER, DEMILIO & LEE
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Case No. 92-306-XA /Brenda Walker, et al
and Case No. CBA-92-123 /Lifespring Senior
Housing, Inc.

Dear Mr. Holzer:

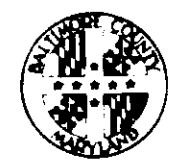
Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: West Catonsville Community Assn.
Stephen J. Nolan, Esquire
Brenda Walker
Theodore Sauls
Norman E. Gerber
Hickory Engineering Co., Inc.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael J. Moran, Assoc. County Attorney



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 11, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-92-123 LIFE SPRING SENIOR HOUSING, INC.
N & SE/end Pleasant Villa Avenue,
N Rockwell Avenue & E Neepier Road
1st Election Dist.; 1st Council. Dist.
RE: CRG Decision
2/13/92 - CRG Mtg. wherein the Plan was
approved.
AND
CASE NO. 92-306-XA BRENDA WALKER, ET AL (LIFESPRING SENIOR
HOUSING, INC.)
(Day #2 - Cont.'d from
9/10/92)
SE-Assisted Living Facility;
VAR-Setbacks and signage
7/1/92 - Z.C.'s Order GRANTING Petitions
with restrictions.

ASSIGNED FOR: TUESDAY, NOVEMBER 24, 1992 AT 10:00 a.m.

cc: J. Carroll Holzer, Esquire-Counsel for Appellants/Protestants
Catonsville Comm. Assoc., Inc.
Stephen J. Nolan, Esquire - Counsel for Owners/Developers
Ms. Brenda E. Walker, et al
Mr. Norman E. Gerber
Hickory Engineering Co., Inc. - Engineer
People's Counsel for Baltimore County, Director of Planning
Lawrence E. Schmidt, Timothy M. Kotroco, W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey, David L. Thomas, Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration
LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 5, 1992

NOTICE OF CONSOLIDATION

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-92-123 LIFE SPRING SENIOR HOUSING, INC.
N & SE/end Pleasant Villa Avenue,
N Rockwell Avenue & E Neepier Road
1st Election Dist.; 1st Council. Dist.
RE: CRG Decision
2/13/92 - CRG Meeting wherein the Plan was
approved.
HAS BEEN CONSOLIDATED
WITH
CASE NO. 92-306-XA BRENDA WALKER, ET AL (LIFESPRING SENIOR
HOUSING, INC.)
SE-Assisted Living Facility;
VAR-Setbacks and signage
7/1/92 - Z.C.'s Order GRANTING Petitions
with restrictions.

BOTH TO BE
HEARD ON

ASSIGNED FOR: THURSDAY, SEPTEMBER 10, 1992 AT 11:00 a.m.

*** NO FURTHER POSTPONEMENTS TO BE GRANTED ***
cc: J. Carroll Holzer, Esquire-Counsel for Appellants/Protestants
Catonsville Comm. Assoc., Inc.
Stephen J. Nolan, Esquire - Counsel for Owners/Developers
Ms. Brenda E. Walker, et al
Mr. Norman E. Gerber
Hickory Engineering Co., Inc. - Engineer
People's Counsel for Baltimore County, Director of Planning
Lawrence E. Schmidt, Timothy M. Kotroco, W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey, David L. Thomas, Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration
LindaLee M. Kuszmaul
Legal Secretary

6 1992

ZONING OFFICE

NEWTON A. WILLIAMS
THOMAS J. REINER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES, II
GREGORY J. JONES
J. JOSEPH CURRAN, III
*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1948-1980)
OF COUNSEL
T. BAYARD WILLIAMS, JR.
RICHARD L. SCHAEFFER
WRITER'S DIRECT DIAL
823 7853

February 14, 1992

HAND DELIVERY

Arnold Jablon, Director
Zoning Administration and
Development Management
County Office Building
Towson, Maryland 21204

Re: Item #297 - Assisted Living Facility
Amended Petition for Zoning Variance
2200 Pleasant Villa Avenue
Petitioners: Brenda Walker, et al.

Dear Mr. Jablon:

I am hand delivering herewith three (3) original copies of an Amended Petition for Zoning Variance for filing in the above case. The sole purpose of the amendment is to add a sign variance request. Also enclosed are ten (10) revised site plans prepared by Hicks Engineering.

In light of the fact that CRG approval was granted yesterday, we are respectfully requesting that the zoning hearing be set for the earliest possible date.

Thank you for your assistance.

Very truly yours,

Stephen J. Nolan

SJN/mao

encl.

cc: Ms. Gwen Stephens
Zoning Office
Mr. Len Bohager, P.E.
Ms. Brenda Walker
Mr. Theodore Sauls

92-306-XA

NEWTON A. WILLIAMS
THOMAS J. REINER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
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OF COUNSEL
T. BAYARD WILLIAMS, JR.
RICHARD L. SCHAEFFER
WRITER'S DIRECT DIAL
823 7853

May 8, 1992

VIA HAND DELIVERY

Honorable Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County
Old Court House
Towson, Maryland 21204

Re: Case No.: 92-306-XA
Petitioners: Brenda E. Walker, et al.

Dear Mr. Commissioner:

Enclosed please find an original and one (1) copy of Petitioner's Post Hearing Memorandum of Law to be filed in the above-referenced case.

Thank you for your consideration in this matter.

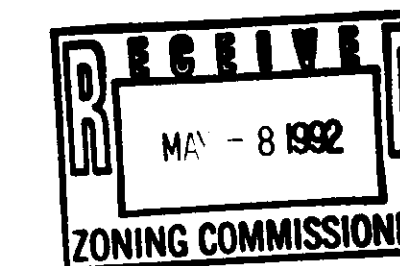
Very truly yours,

Stephen J. Nolan

SJN/mao

encl.

cc: Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire
Ms. Brenda E. Walker
Mr. Theodore R. Sauls



NEWTON A. WILLIAMS
THOMAS J. REINER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
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*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN NEW JERSEY

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(RETIRED 1980)
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(1940-1988)
RALPH E. DEITZ
(1948-1980)
OF COUNSEL
T. BAYARD WILLIAMS, JR.
RICHARD L. SCHAEFFER
WRITER'S DIRECT DIAL
823 7853

August 7, 1992

Honorable William T. Hackett, Chairman
County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: CBA-92-123
Lifespring Senior Housing, Inc.

Dear Chairman Hackett:

A hearing regarding the above-captioned case was reassigned for Thursday, September 10, 1992 at 11:00 a.m. Subsequently, the protestants in Case No. 92-306-XA, which concerns the same property, have filed a Notice of Appeal.

By this letter I hereby request that the two matters be consolidated and heard at the September 10th hearing date currently scheduled.

Thank you for your consideration in this matter.

Very truly yours,

Stephen J. Nolan
Stephen J. Nolan
Counsel for Owners/Developers

SJN/mao

cc: J. Carroll Holzer, Esquire
Counsel for Appellants/Protestants
Ms. Brenda E. Walker

NEWTON A. WILLIAMS
THOMAS J. REINER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES, II
GREGORY J. JONES
J. JOSEPH CURRAN, III
*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1948-1980)
OF COUNSEL
T. BAYARD WILLIAMS, JR.
RICHARD L. SCHAEFFER
WRITER'S DIRECT DIAL
823 7853

September 1, 1992

VIA HAND DELIVERY

Honorable William T. Hackett
Chairman
County Board of Appeals of
Baltimore County
Old Court House
Towson, Maryland 21204

Re: Case No.: CBA-92-123
Appellant: West Catonsville Community Association
Our Client: Lifespring Senior Housing, Inc.

Dear Chairman Hackett:

The above-captioned matter is scheduled before the Board on Thursday, September 10, 1992 at 11:00 a.m. In view of this late start and in view of the fact that the hearing before the Zoning Commissioner took approximately two days, I am respectfully requesting that the Board now schedule the second day of the hearing for this consolidated zoning and CRG appeal.

Thank you for your consideration in this matter.

Very truly yours,

Stephen J. Nolan

SJN/mao

cc: J. Carroll Holzer, Esquire
Michael J. Moran, Esquire
Ms. Brenda Walker

44-E Md 1-13526
STANDARD APPEALS ALREADY
STAYED
Day #2 - 11/24/92
Holding #3 - 12/22/92
Request to
Stay Case

RONALD J. MAHER
CARROLL HOLZER
CARROLL S. (JIM) MEE
THOMAS L. LEE

LAW OFFICES
HOLZER, MAHER, DEMILLO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(410) 823-4960
FAX (410) 823-4964

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
FREDERICK, MARYLAND 21704
(410) 794-8586
FAX (410) 794-8533

SUITE 2N
1233 S. SALES STREET, N.W.
WASHINGTON, D.C. 20036

March 16, 1992
#6626

The Honorable Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County
First Floor
County Office Building
Towson, Maryland 21204

RE: Life Spring Senior Housing, Inc.

Dear Commissioner Schmidt:

Please be advised that I represent the West Catonsville Community Association, Protestants, in the above captioned matter.

I understand the hearing is scheduled for 10:00 a.m. on Thursday, March 26, 1992. For approximately four (4) weeks, I have had a meeting with Councilman Mel Mintz set up for Thursday, March 26th at 10:00 a.m. This meeting involves approximately fifteen (15) members of eleven (11) different Community Organizations in regard to a Comprehensive Rezoning matter. It is expected that it will not take longer than one hour. I would therefore request that the hearing scheduled in the Life Spring case begin at 11:00 a.m. if possible.

Thank you very much for your assistance in this regard.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Steve Nolan, Esquire



C. Chasis, Jr.
428 Chaffonte Drive
Baltimore, MD 21204

February 6, 1992

Larry Schmidt
Baltimore County Zoning
Commission Office
400 Washington Avenue
Old Courthouse, Room 113
Towson, MD 21204

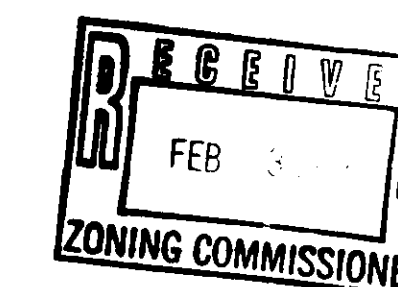
Dear Mr. Schmidt:

Our family has resided in west Catonsville 30 years. During that period of time, we have found the existing individually owned and occupied residences a very successful and desirable community within our area. That association with our neighborhood - entirely devoid of any commercially-oriented venture - has resulted in significant stability within the community, enabling pride of ownership, maintenance, and reasonable market attractiveness in those few cases where resale of properties has occurred.

The introduction of a zoning exception to establish a "Group Senior-Assisted Housing Project" at 2200 Pleasant Villa Avenue conflicts with the needs of our community and we officially protest its approval. The additional traffic generated would significantly burden the already traffic-laden roads in the area around and leading up to 2200 Pleasant Villa Avenue. Additionally, the introduction of this Group Senior-Assisted Housing Project can only bring about a deterioration in the current community and residential lifestyle presently being realized in this west Catonsville area.

We understand the County Review Group is scheduled to meet at 9:00 am on February 13, 1992 in Room 325, County Courthouse, Towson to consider the project prior to action by the Zoning Commission, Baltimore County. In that connection, we wish to officially lodge our opposition to approval of the zoning exception being requested for 2200 Pleasant Villa Avenue.

C. Chasis, Jr.
cc: C. J. Glauser
425 Westside Blvd.
Baltimore, MD 21228



92-306-XA

Robert D. Sansbury

1 Sharonwood Court
Catonsville, Maryland 21228
(410) 744-0433

February 14, 1992

Mr. Larry Schmidt
Baltimore County Zoning Commissioner
Zoning Commissioner's Office
Old Court House, Room 113
Towson, Maryland 21204

Dear Sir:

This letter is to inform you that my wife and I are strongly opposed to the plan presented by Brenda Walker regarding the assisted living facility on Pleasant Villa Drive.

Here are just a few of many objections:

- Increased traffic is the first and most obvious problem that confronts us all. An increased flow of traffic would effectively increase the danger to the large number of children in the Community, especially regarding Commercial drivers who are unfamiliar with the area.
- I also believe that the County government bureaucracy should recognize its first and primary duty which is the safety and well-being of Community residents. Their needs must be given priority. There has been a Community survey taken that revealed a vast majority of the residents are opposed to this venture.
- Though my wife and I are "Senior Citizens," and are sympathetic to the plight of older Americans, we sincerely believe that this venture is not the best interest of these persons, rather the owner and operators.
- Additionally, it seems as if there are more nursing homes in the Catonsville Community, than in any other community in the State of Maryland. To the point, the vast and still growing Charlestown Retirement Community.
- We are a close knit family unit, and in fact, my wife's 82 year-old mother has been living with us for the past 4 years, and we are doing just fine. It seems to me that this type of living arrangement is far more family and community oriented than the Brenda Walker plan.

We simply do not need a Commercial venture of this type in our neighborhood and ask that you do all in your power to prevent this from happening.

Sincerely,

Robert D. Sansbury
Mr. & Mrs. Robert D. Sansbury
1 Sharonwood Court
Catonsville, Maryland 21228
(410) 744-0433

RECEIVED
FEB 18 1992

ZONING OFFICE

92-306-XA

CARROLL E. HENKEL
418 NEEPER ROAD
CATONSVILLE, MARYLAND 21228

Feb. 11, 1992

Re: Old Neepier Home
Pleasant Villa Rd.
Dear Mr. Schmidt,

As a resident very close to this so called apartment and rooming type property, I wish to oppose the conversion of this of a multiple occupancy for older persons.

This is a very old frame house and the wood quite dry. Should a fire or explosion develop, serious loss of life could occur. Even a sprinkler system is no guarantee the water could be turned off or the sprinkler heads blocked. I speak from 58 years experience as a Fire Protection Engineer.

In addition, in the event of an emergency, it would be extremely difficult to remove the occupants - the outside
92-306-XA

92-306-XA

We have been here for twenty-four years on Rockwell Avenue. I am opposed to Brenda Walker's project (Life Spring, Inc.) I live in a residential neighborhood and this venture could lower property values in our Community. There is already too much traffic on Rockwell and Pleasant Villa Avenue.

Please recognize that we have a problem in Catonsville with too much development.

Louise Margaret
2310 Rockwell Ave.

2045 Pleasant Villa
Catonsville, MD 21228

RECEIVED
FEB 13 1992
ZONING COMMISSIONER

92-306-XA

Mr. Larry Schmidt, Commissioner
Baltimore County Zoning Comm. Off.
Old Court House, Room 113
Towson, MD 21204

Dear Mr. Schmidt:

I wish to register my strong objection to the proposed senior assisted living facility at 2200 Pleasant Villa Avenue. There are many valid reasons for my objection, one of which involves the increase in traffic, which has already become apparent. (I saw two accidents and a fire truck there last night).

Another reason is the fact that this will lower our property values, no matter what our laws to the contrary. A vast majority of residents in our immediate community, as well as surrounding communities, strongly oppose this venture.

Senility and, more importantly, the safety of our children, will be threatened by the personnel who will be employed in this facility. (People who contend that these employees are "checked out" are either ignorant of the facts, or are living in a make-believe world).

What it all boils down to is that this is a commercial venture operating under the guise of a residential facility. It is for profit and the profit which will be made by two people will be at the expense of many many residents of this community and our children. This seems highly unfair! Why should the

HOLZER, MAHER, DEMILIO & LEE
ATTORNEYS AT LAW
305 W. CHESAPEAKE AVENUE
SUITE 100
TOWSON, MARYLAND 21204

DATE 11.23.92

COMMUNITY PROTECTION

5505 EDMONDSON AVENUE
BALTIMORE, MARYLAND 21229
(301) 788-5533
FAX (301) 788-6001

THIS FAX IS A MESSAGE FOR: Sterling
PURCHASE ORDER:
SHIP VIA:

Sterling
I hope this will be useful
I got you a more formal
copy
Arlene
Bill

THIS FAX CONTAINS ONE PAGE INCLUDING THIS PAGE
IF YOU DO NOT GET ALL THE PAGES OR HAVE A
QUESTION ABOUT THIS FAX, PLEASE CALL

THANK YOU.

Mr. Hayes to provide letter as soon as possible. Will not appear on 1/24/92 - copied by phone that attendance not necessary now 1/23/92

February 7, 1992
2402 Rockwell Avenue
Catonsville, MD 21228

RECEIVED
FEB 13 1992
ZONING COMMISSIONER

Zoning Commissioner for Baltimore County
Zoning Commissioner's Office
Old Court House, Room 113
Towson, Maryland 21204

RE: Proposed Zoning Exception - Walker Property
Pleasant Villa Avenue

Dear Commissioner:

I am writing to ask your consideration in rejecting the proposed zoning exception requested by Ms. Brenda Walker for the above-mentioned property.

My position is to oppose the zoning exception for a 15-unit elderly assisted-living building in our residential community based upon the fact that a "for profit" commercial venture will adversely affect the property values of residences within our neighborhood.

Further, there are many other elderly apartment complexes (assisted-living and non-assisted living) within the Catonsville area. I do not feel there is a need for another assisted-living facility. At our community meeting, it was brought to our attention that a survey done of 100 homes in our community revealed that out of 76 responses, a majority of those responding were seniors above the age of 60. The survey also demonstrated 100% of those responding were opposed to the proposed elderly assisted-living apartment building.

I am extremely concerned about the impact of increased traffic, not only on Pleasant Villa Avenue, but on Rockwell Avenue, as well. With this type of venture, there will be commercial vehicles, personal vehicles of nurses aides, cleaning personnel, relatives and visitors for the elderly occupants, fire and ambulance vehicles, delivery vehicles, etc. Rockwell Avenue is already heavily traveled due to increased residential homes and does not need another source of increased traffic. Pleasant Villa is a quiet, residential street, with many small children. The increased traffic would increase danger to children on both streets.

92-306-XA

2026 Pleasant Villa Ave.
Catonsville, MD 21228

February 5, 1992

RECEIVED
FEB 13 1992
ZONING COMMISSIONER

Commissioner Larry Schmidt
Baltimore County Zoning Commissioner
Zoning Commissioner's Office
Old Court House, Room 113
Towson, MD 21204

Dear Commissioner Schmidt:

I am writing to you in reference to the Special "exception" filed for by Lifespring Inc. in an attempt to establish a senior-assisted commercial housing venture on Pleasant Villa Avenue in Catonsville. I live on Pleasant Villa Ave. and will see a direct impact if they gain this "exception". But, my opposition runs deeper than sharing a street with this project.

Mr. Commissioner, my opposition is the result of four crucial factors.

- 1) There was absolutely no advance consultation on the part of Lifespring, Inc. or the County with the area residents. The West Catonsville Community Association, for which I am Treasurer, feels that the County has an obligation to the residents to consult us when changes such as these are being considered.
- 2) Lifespring Inc. and its legal representatives have and will continue to try to portray this venture as a non-commercial operation. This is inexcusable. Lifespring will have a number of employees at the facility, it will offer various services and will be operating to make a profit. This is a commercial operation! We feel that the establishment of this commercial venture in our neighborhood will set a precedent that can be cited later by other ventures attempting similar projects in our neighborhood.
- 3) This "exception" is adamantly opposed by the W.C.A. and the majority of those people are over 60 years old! And, 4) The establishment of this venture on my street will effectively ruin this "Villa" as I know it. Pleasant Villa Avenue is a street that needs to be seen to be appreciated. It is quaint - it is friendly - it truly is a one street "Villa" tucked away in West Catonsville. There are 30 elementary school age children or younger residing on this street!

I implore you Mr. Commissioner to consider these factors when you hear the case presented to you concerning this issue. Thank you for your time.

Very truly yours,
Steven H. McGarry
Baltimore County Executive
Treasurer
West Catonsville Community Association

11/14/92
to LES
8

Mr. & Mrs. Robert Baldwin
2032 Pleasant Villa Avenue
Baltimore, Maryland 21228
February 18, 1992

Mr. Larry Schmidt
Baltimore County Zoning Commissioner
Zoning Commissions Office
Old Court House, Room 113
Towson, MD 21204

Re: 2200 Pleasant Villa Avenue
Group Senior Assisted Living Home

Dear Commissioner Schmidt:

As taxpayers and residents of Pleasant Villa Avenue, we feel we have the right to be heard about the above situation. We are strongly opposed to this being put in our neighborhood for a number of reasons.

The traffic on the street has already increased since Mrs. Walker has purchased the property and we are concerned for the safety of approximately 30 children who cross back and forth every day. Most of the children are under the age of 10.

It is a commercial venture and we feel it would decrease our property values while increasing 2200 Pleasant Villa Avenue. We have worked hard to be able to afford a house in a non-commercial area in Catonsville and that is why we want it to stay RESIDENTIAL; otherwise, we would have paid a cheaper price for houses which were surrounded by Commercial businesses.

As proven by the turnout of the people at the last CRO meeting, the vast majority of residents in this community are opposed to this and we feel the government should be on the side of the majority and not on the side of a few; namely, Mrs. Walker and Company who would seem to be profiting most because they have bought cheaper residential property trying to convert it to a commercial endeavor.

We hope you will give this matter your undivided attention.

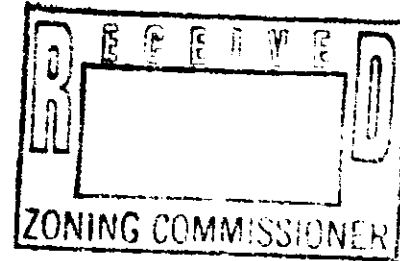
Sincerely,

RHB:sab
c.c.: Mr. Roger B. Hayden
Baltimore County Executive
400 Washington Avenue
Towson, Maryland 21204

92-306-XA

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
Old Court House Room 113
Towson, Md. 21204

2318 Rockwell Avenue
Catonsville, Md. 21228
February 8, 1992



Dear Mr. Schmidt:

Reference Ms Brenda Walker (Life Spring Inc.) filing for a "Zoning exception" to establish a Group Senior Assisted Housing project at 2200 Pleasant Villa Avenue for the housing of 15 senior residents on a "for profit basis".

Our area is strictly residential and we purchased our homes in this area with the assurance that we would be protected by Zoning against commercial enterprises. For the greater part our Rockwell Avenue area has been developed for a very long time. I am 75 years old and have been a resident here for 38 years.

It would be unjust to grant a Zoning exception to one non-resident of the area simply to provide a questionable business opportunity. Ms Walker's investment is trivial to our combined investment of millions of dollars and our contribution to the tax base must be considered. Ms Walker is one voter, not even voting in our district, as compared to the many hundreds of us who vote in this district. Our interests are entitled to continue to be protected by law and not be lightly dismissed for the questionable profit of an individual who has no interest in maintaining the integrity of our residential area.

The structure that Ms Walker has purchased is far from suitable for the purpose she intends. It is a very old wooden frame structure that I am confident that the Fire Department should find totally unsafe rather than contribute to the grave risk of a fire that would certainly be fatal to elderly citizens that are entitled to protection that they cannot provide for themselves. Ms Walker's investment is miniscule in comparison to the profit she intends to realize. The elderly are entitled to a safe shelter that is properly constructed for the specific purpose for which it is intended. The elderly should not be exploited by the unscrupulous, greedy for public funds that are provided for these poor unfortunate people.

There are many more senior citizens in our area whose rights will be violated than Ms Walker can claim to assist. Her motive is exploitation for profit and is far removed from the altruistic sentiment she claims.

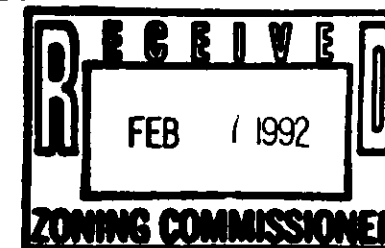
There are many other considerations of which I know you have been informed; increased traffic congestion, safety consideration for the children of the area, lack of public transportation for residents and employees and depressed real estate values leading to a reduced tax base.

It is our contention that residents in our area are protected by Zoning and should be given first consideration. No public good could result from granting an exception to Ms Walker for her questionable business venture.

Sincerely,
John L. Carroll

92-306-XA

February 4, 1992



Baltimore County Zoning Commissioner
Zoning Commissioners Office
Old Court House Room 113
Towson, Maryland 21204

Dear Commissioner:

I am writing to oppose Ms. Brenda Walker's request for a zoning exception at 2200 Pleasant Villa Avenue. I have resided at 2223 Rockwell Avenue, at the intersection of Pleasant Villa, for the past fifteen (15) years and am convinced that the zoning exception would significantly disrupt this neighborhood.

I am a senior citizen and have an extensive background serving handicapped and disadvantaged persons of all ages in the State of Maryland and beyond. "Assisted Living for Elderly" is an excellent program and I support the concept. In fact, I would have no problem sharing a street with this type of facility. However, Ms. Walker's request deals with a property at the end of a dead end street consisting of young families who purchased their properties because they represented an ideal place to rear young children.

In my judgement, the relatively large number of people who would be negatively affected by a zoning exception deserve consideration and protection by the Baltimore county government. There are many ideal locations in the county that would accommodate Assisted Living for Elderly programs without disrupting the neighborhood.

There are a number of additional reasons for opposing the Pleasant Villa zoning exception; such as, traffic overload, possible reduction of property values, and danger to the many small children residing on the street. However, the overwhelming consideration is the serious disruption which the zoning exception would cause to this neighborhood, and in particular, to the number of young families living on Pleasant Villa Avenue.

Sincerely,

Richard W. Bateman
Dr. and Mrs. Richard W. Bateman
2223 Rockwell Avenue
Baltimore, Maryland 21228

cc: Roger Hayden
Berkie Manley

92-306-XA

3/29/92 Petitioner
LEONARD T. BOHABER, U.S. Hicks ENGINEERING

MR FRANK WELSH

BRENDA WALKER

JOHN F. LESSNER, Housing Specialist - Md. Office on Aging

NEETU DHAWAN - GRAY, Epc. Dir.

City Commission on Aging + Retirement Education

JACK LILLY

MR. EDWARD A. GRIFFITH

Also Present: Norman Gerber
Theodore Saults

February 7, 1992

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Old Court House, Room 113
400 Washington Ave.
Towson, Md. 21204

Sir:

We understand that Ms. Brenda Walker has applied for a zoning exception to establish an assisted living care facility on Pleasant Villa Ave. off of Rockwell Ave. in Catonsville.

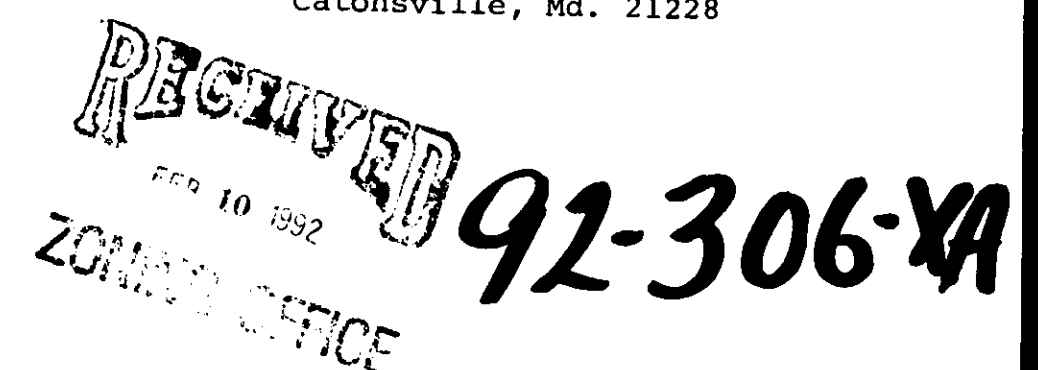
The area bounded by Old Frederick Rd., Edmondson Ave., Rockwell Ave., and adjacent streets is and always has been a residential, bedroom community. It is also extremely overdeveloped. Therefore this area should not be opened to a commercial enterprise.

We feel that granting an exception to the existing zoning will establish a precedent opening the way for future commercial enterprises and therefore should not be permitted.

We ask that the foregoing be considered in your deliberations on this matter.

Sincerely,

Ralph & Helen Goebel
2206 Rockwell Ave.
Catonsville, Md. 21228



CASE #

92-306-XA

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
SERGEANT J. NEALAN 210 W PENNA AVE STE 701
TOWSON MD 21204

NEALAN E. GIBBS 35 PULBURN COURT
CREEKSVILLE 21030

BRENDA WALKER 2200 PLEASANT VILLA AVE
CATONSVILLE, MD 21228

TERRY HENDERMAN Community Development

JOHN WALKER SR 2200 PLEASANT VILLA AVE
CATONSVILLE, MD 21228

JOHN WALKER JR 2200 PLEASANT VILLA AVE
CATONSVILLE, MD 21228

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CATONSVILLE, MD 21228

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NAME ADDRESS
JOHN WALKER JR 2200 PLEASANT VILLA AVE
CATONSVILLE, MD 21228

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JOHN WALKER JR 2200 PLEASANT VILLA AVE
CATONSVILLE, MD 21228

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
THOMAS M. Mc Nade 2035 Pleasant Villa Ave.

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MARYLAND OFFICE ON AGING

AREA PLAN FOR PROGRAMS FOR AGING

Under Title III of the
The Older Americans Act of 1965.

As Amended

for the

BALTIMORE COUNTY
(PLANNING AND SERVICE AREA)

FOR FISCAL YEARS 1992-1993

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

January 24, 1992

Mr. Leonard T. Bohager, L.S.
Hicks Engineering Company, Inc.
200 East Joppa Road
Suite 402
Towson, Maryland 21204

Re: 2200 Pleasant Villa Avenue
1st Election District

Dear Mr. Bohager:

Reference is made to your letter, dated January 3, 1992, in which you requested verification as to the amount of separate living units (each with a separate cooking facility and bathroom) permitted within the above referenced building. Since the proposed may be to convert the existing one-family dwelling into a multi-family dwelling, the standards of Section 402 of the Baltimore County Zoning Regulations (B.C.Z.R.) would apply.

Based upon the information and site plan you have provided, please be advised that the property is zoned D.R.5.5 (Density Residential, 5.5 dwelling units per acre), contains 57,934.80 square feet, has a lot width of 230 feet and has side setbacks of 63 and 84 feet. According to Section 402, a single family dwelling converted to a two-family dwelling within the D.R.5.5 zone must be situated on a lot containing 10,000 square feet, have a lot width of 80 feet, have a minimum side setback of 15 feet and have a minimum side setback sum of 35 feet. For each additional family of more than two, the lot area must contain an additional 3,000 square feet and the lot width must have an additional 15 feet. The minimum side setbacks may remain the same.

After computing the required standards with the subject lot's dimensions, it was determined that the subject property has the area to support 17 separate units although the lot width supports a lesser 15. The side setbacks will support two or more dwellings. Since the lot area supports more than what width allows for, a zoning variance may be requested for the additional two units. Conclusively, the subject lot and dwelling is permitted to support 15 separate units as a matter-of-right.

92-566 X 77



WHAT AGE RANGE ARE ADULT MEMBERS OF YOUR HOUSEHOLD?

18 - 25 (26 - 40) 41 - 59 60 & OVER

HOW DO YOU STAND ON HAVING THE SENIOR ASSISTED LIVING ON PLEASANT VILLA? (circle one)

(Strongly against) Slightly against Slightly in favor of Strong

HOW FAR IS YOUR HOME FROM THE LOCATION OF THE SENIOR ASSISTED LIVING HOME?

One block 2-4 blocks 5 or more blocks

WILL ANYONE IN YOUR HOUSEHOLD BE WILLING TO GO TO THE ZONING HEARING IF BUS TRANSPORTATION IS SUPPLIED?

(Yes) No Possibly

IF YOU WISH, PLEASE COMMENT ON YOUR CONCERNS OR ADVANTAGES OF THE LOCATION OF THE SENIOR ASSISTED LIVING HOME ON PLEASANT VILLA.

WE WOULD LIKE TO TAKE A SIGNED PETITION OPPOSING THIS FACILITY TO THE ZONING HEARING. IF YOU ARE IN OPPOSITION, PLEASE SIGN BELOW SO THAT YOUR SIGNATURE CAN BE USED AS PART OF A COMMUNITY ASSOCIATION PETITION.

Address 2200 Pleasant Villa Ave

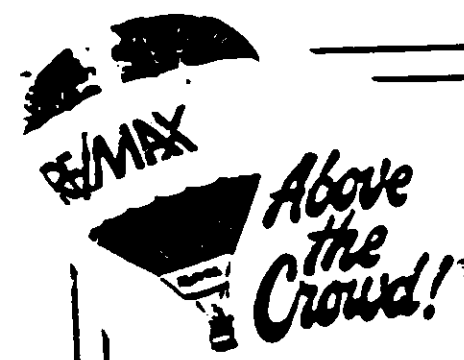
LIFESPAN SPECIAL EXCEPTIONS FROM R.T.A. REGULATIONS R.T.A.

| Min. Building Setbacks | | Buffer Areas | |
|------------------------|-------------------|-----------------------------------|------------------|
| 1801.1 B.1. 3.(a) | | 1801.1 B.1. 3.(b) | |
| Req'd | Provided | Req'd | Provided |
| Front Yard | Bldg. Parking Lot | Bldg. Parking Lot | |
| 75' | 178' (S) | 0' | 0' (S) |
| Side Yard | 75' | 63' (W) 84' (E) | 72' 90' |
| | | 50' | 0' (W) 0' (E) |
| Rear Yard | 150' | 24' (N) | 145' |
| | | 75' | 0' (N) |
| Parking Lot | 140' | FRONT 75' SIDE 75' REAR 75' | 0' 0' 0' |

Special Exception for an ALU of 15 Persons - (See Sec. 432.1A.2)

Prepared: January 8, 1992

Pet No 3



BEAUTIFUL MAJESTIC
MANSION HOUSE



OVER 1.32 ACRES

RE/MAX suburban west
715 Ingleside Avenue
Catonville, Maryland 21228
Phone: (301) 744-4771

BALTIMORE COUNTY FIRE DEPARTMENT FIRE INSPECTION REPORT

| | | | | | | | |
|-------------------------|----------------------------------|---------------|----------|-----|-------|----|-----------|
| DATE | BOX # | CASR # | DIST | OCC | TRF # | NO | Pg 1 OF 2 |
| 2/25/91 | 1 | 91-035413367 | 13 | 367 | | | |
| ADDRESS | STREET | SUITE/APT NO. | ZIP CODE | | | | |
| 2200 Pleasant Villa Ave | | | 21228 | | | | |
| OCCUPANCY NAME | TELEPHONE | OWNER | | | | | |
| Life Spring | 747-0987 | Life Spring | | | | | |
| OCCUPANT | BUILDING OWNERS NAME AND ADDRESS | | | | | | |
| Therese R. Sauls | T. Sauls - P. W. B. | | | | | | |

| | | |
|-------------------------|------------------------------|-----------------------|
| 10 EXITS | 40 FIRE PROT. EQUIP. | 70 HEATING APPLIANCES |
| 11 INTERIOR FINISH | 41 SPRINKLER SYSTEM | 71 VENT PIPE |
| 12 DOOR SWING | 42 AUTO-EXTINGUISHING SYSTEM | 72 ENCLOSURE |
| 13 LOCKS/LATCHES | 43 PORTABLE EXTINGUISHER | 73 VENTILATION |
| 14 OBSTRUCTION | 44 FIRE ALARM SYSTEM | 74 CLEARANCE |
| 15 EMERGENCY LIGHTS | 45 FIRE DOORS | 75 PORTABLE HEATER |
| 16 EXIT SIGNS | 46 STANDPIPES | 76 BUILDING FEATURES |
| 17 AISLES | 47 SMOKE DETECTORS | 80 BUILDING FEATURES |
| 19 MISCELLANEOUS | 48 WATER SUPPLY | 81 INTERIOR FINISH |
| 20 ELECTRICAL | 49 MISCELLANEOUS | 82 WALLS |
| 21 COVER PLATE | 50 COMPRESSED GAS | 83 FLOORS |
| 22 WIRING | 51 CYLINDER SECURE | 84 CEILINGS |
| 23 EXTENSION CORD | 52 SEGREGATED | 85 MISCELLANEOUS |
| 24 MULTIPLE PLUG | 53 STORAGE | 90 MISCELLANEOUS |
| 25 DUST AND LINT | 54 PROTECTED | 91 HOUSEKEEPING |
| 26 STORAGE | 59 MISCELLANEOUS | 92 F.D. CONNECTION |
| 29 MISCELLANEOUS | 60 STORAGE | 93 FIRE LANS |
| 30 FLAMMABLE LIQUIDS | 61 CLEARANCE | 94 CAPACITY |
| 31 SAFETY CANS | 62 AISLES | 95 COOKING APPLIANCE |
| 32 STORAGE | 63 HIGH PILED | 96 MOTOR VEHICLE |
| 33 VENTILATION | 64 GAS VALVES METERS | 99 MISCELLANEOUS |
| 34 ELECTRICAL EQUIPMENT | 65 SEGREGATED | |
| 39 MISCELLANEOUS | 69 MISCELLANEOUS | |

| # | ACTION REQUIRED | LOCATION | COMPLETE |
|-----|---|-------------------------------------|----------|
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BALTIMORE COUNTY FIRE DEPARTMENT FIRE INSPECTION REPORT

| | | | | | | | |
|-------------------------|----------------------------------|---------------|----------|-----|-------|----|-----------|
| DATE | BOX # | CASR # | DIST | OCC | TRF # | NO | Pg 1 OF 1 |
| 2/25/91 | 1 | 91-035413367 | 13 | 367 | | | |
| ADDRESS | STREET | SUITE/APT NO. | ZIP CODE | | | | |
| 2200 Pleasant Villa Ave | | | 21228 | | | | |
| OCCUPANCY NAME | TELEPHONE | OWNER | | | | | |
| Life Spring | 747-0987 | Life Spring | | | | | |
| OCCUPANT | BUILDING OWNERS NAME AND ADDRESS | | | | | | |
| Therese R. Sauls | T. Sauls - P. W. B. | | | | | | |

| | | |
|---------------------|------------------------------|-----------------------|
| 10 EXITS | 40 FIRE PROT. EQUIP. | 70 HEATING APPLIANCES |
| 11 INTERIOR FINISH | 41 SPRINKLER SYSTEM | 71 VENT PIPE |
| 12 DOOR SWING | 42 AUTO-EXTINGUISHING SYSTEM | 72 ENCLOSURE |
| 13 LOCKS/LATCHES | 43 PORTABLE EXTINGUISHER | 73 VENTILATION |
| 14 OBSTRUCTION | 44 FIRE ALARM SYSTEM | 74 CLEARANCE |
| 15 EMERGENCY LIGHTS | 45 FIRE DOORS | |

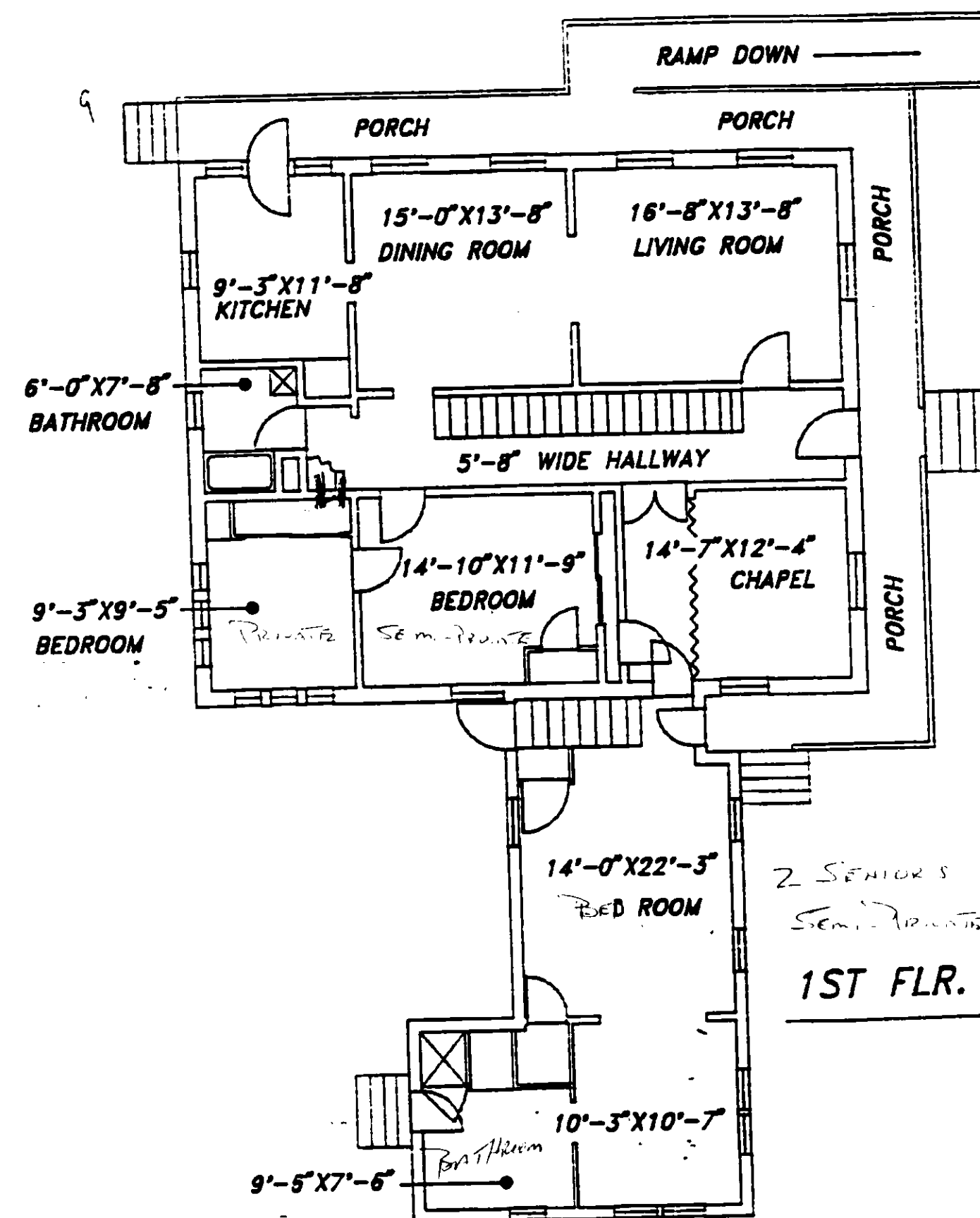
Ref No 10

LIFESPING INC.
PLEASANT VILLA AVE.
FIRE EVACUATION PLANS

1. STAFF WILL HAVE OVERALL RESPONSIBILITY FOR THE RESIDENTS, FIRST WITH THE EVACUATION AND THEREFORE CALLING OF THE FIRE DEPARTMENT.
2. IF THE FIRE ALARM SOUNDS DO NOT PANIC, JUST PRECEDE TO EVACUATE THE BUILDING.
3. THE STAFF ON THE FIRST FLOOR WILL ASSIST THE RESIDENTS TO THE NEAREST EXIT. THE STAFF IN THE TOWNHOUSE WILL ASSIST THE RESIDENTS TO THE NEAREST EXIT ON THAT FLOOR.
4. THE SECONDARY STAIRS WILL BE USED IN CASE PRIMARY EXIT ROUTE IS BLOCKED.
5. IF THE HEAT AND SMOKE ARE TOO INTENSE, CLOSE THE BEDROOM DOORS, RESIDENTS WILL STAY IN THEIR ROOMS AND PRECEDE TO THE WINDOW. THE RESIDENT WILL WAIT FOR SOMEONE TO RESCUE THEM.
6. ALL RESIDENTS WILL ASSEMBLE AT THE BOTTOM OF THE DRIVEWAY ON PLEASANT VILLA.
7. THE RESIDENTS SHOULD NOT WASTE TIME GETTING DRESS OR COLLECTING VALUABLES.
8. THE RESIDENTS AND STAFF SHOULD NEVER REENTER THE HOUSE FOR ANY REASON.
9. WHEN EVERYONE IS OUT SAFELY, USE NEIGHBOR TELEPHONE TO CALL 911 OR THE FIRE DEPARTMENT.

***** PLEASE STAY CALM *****

LIFESPING
SENIOR
HOUSING, INC.



NEWTON A. WILLIAMS
THOMAS J. REMER
WILLIAM F. ENDELLART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. OLUSHAKOW
STEPHEN H. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAVELL, JR.
LOUIS D. CLOSE, II
E. BRUCE JONES
GREGORY J. JONES

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JAMES O. NOLAN
J. EARLE PLUMHOFF
RALPH E. DEITZ
OF COUNSEL
T. BAYARD WILLIAMS, JR.
RICHARD L. SCHAEFFER
WRITER'S DIGEST

January 28, 1992
C.J. Glauser, Acting President
West Catonsville Community Association
425 Westside Boulevard
Catonsville, Maryland 21228

Re: Lifespring at Pleasant Villa

Dear Mr. Glauser:

Our office represents Ms. Brenda Walker and Mr. Theodore Sauls, the owners of the property known as 2200 Pleasant Villa Avenue, which is proposed as a Group Senior Assisted Home (GSAH) for elderly persons who cannot live on their own, but are not ready for a nursing home.

Although I am aware of prior meetings last summer between your association and our clients, the purpose of this letter is to notify you concerning a County Review Group meeting which will be held on Thursday, February 13, 1992 at 9:00 a.m. in Room 118 of the Old Court House, 400 Washington Avenue in Towson. I would greatly appreciate the opportunity to meet with your Board of Directors at a time convenient to you prior to February 13 in order to discuss the enclosed zoning plat as well as to address any questions which your Association may have with regard to our clients' property.

I am also enclosing a copy of a Petition for Special Exception and a Petition for Zoning Variance which was also recently filed with Baltimore County, Maryland.

Please call me at your convenience so that we may arrange a mutually convenient meeting time. Thanking you in advance for your consideration of this matter, I am

Sincerely,

Stephen J. Nolan
Stephen J. Nolan

SJN:mao
encl.

Ref No 15

EDWARD A. GRIFFITH

QUALIFICATIONS OF APPRAISER

EDUCATION

PRINCETON UNIVERSITY, BACHELOR OF ARTS
COMPLETED COURSES I AND II OFFERED BY THE SOCIETY
OF REAL ESTATE APPRAISERS
COMPLETED REAL ESTATE BROKERS COURSE AT THE UNIVERSITY
OF MARYLAND
COMPLETED REAL ESTATE LAW COURSE AT CATONSVILLE
COMMUNITY COLLEGE

MEMBERSHIPS AND LICENSES

THE GREATER BALTIMORE BOARD OF REALTORS
SOCIETY OF REAL ESTATE APPRAISERS
LICENSED REAL ESTATE BROKER IN THE STATE OF MARYLAND
VICE CHAIRMAN OF THE BALTIMORE COUNTY PLANNING BOARD
(1968-1978)
VICE CHAIRMAN OF REAL ESTATE BROKERS' ROUND TABLE
BALTIMORE COUNTY APPRAISERS' SOCIETY
AMERICAN ARBITRATION ASSOCIATION
TREASURER OF MARYLAND ENVIRONMENTAL SERVICES
LICENSED MORTGAGE BROKER
VICE CHAIRMAN OF AIRPORT ZONING APPEALS BOARD OF
MARYLAND (1974-1982)

EXPERIENCE

THIS APPRAISER HAS BEEN ACTIVE IN THE REAL ESTATE
PROFESSION SINCE 1963 AND HAS BEEN ENGAGED IN APPRAISING
SINCE 1974.

COURT TESTIMONY

BALTIMORE COUNTY TAX APPEALS BOARD
BALTIMORE COUNTY CIRCUIT COURT
BOARD OF PUBLIC WORKS, STATE OF MARYLAND
BOARD OF ZONING APPEALS, BALTIMORE COUNTY
BOARD OF ZONING APPEALS, BALTIMORE CITY
BOARD OF ZONING APPEALS, CARROLL COUNTY

CLIENTS

MARYLAND DEPARTMENT OF GENERAL SERVICES
MARYLAND STATE HIGHWAY AUTHORITY
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY OFFICE OF LAW
ORPHANS COURT OF BALTIMORE COUNTY
ORPHANS COURT OF BALTIMORE CITY
ORPHANS COURT OF HOWARD COUNTY
HOWARD COUNTY AGRICULTURAL PRESERVATION PROGRAM
VARIOUS SAVINGS AND LOAN ASSOCIATIONS
VARIOUS LAW FIRMS

ZONING CASE # 92 - 306A

BRENDA WALKER / LIFESPING



A. LIFESPING at PLEASANT VILLA



B. VIEW FROM FRONT PORCH



C. VIEW FROM E/S PROP. LINE ADJOINING
NEW CONSTRUCTION



D. SIDE PORCH VIEW OF NEW CONST. on OAK LODGE RD.

APOSTOLATUS UNITI

In Unity There is Strength

Notre Dame Apostolic Cathedral Institute Affiliate
Established by the Holy See in 1971

APOSTOLATUS UNITI

AN INTRODUCTION

Apostolatus Uniti (United Apostolates) is a non-profit, national, lay religious and charitable organization headquartered in Baltimore, Maryland, USA. The organization is committed to promoting the authentic doctrinal and social principles of the Roman Catholic Church, faithfulness to the Magisterium, and loyalty to the Holy Father.

The group is working to assist the Pope to firmly establish in the Universal Church devotion to Jesus in the Eucharist and to the Blessed Virgin Mary. According to the prophecy of St. John Bosco envisioned over a century ago, these two devotions are the Pillars of Victory which will guide the Church successfully through the present persecution which it suffers from without and the dissension it suffers from within.

On May 30, 1862, John Bosco recounted in detail his vision of our turbulent times. He viewed an immense sea on which many great ships were arranged to battle a larger and taller ship. Defending the taller ship were other vessels. In the midst of the endless sea rose two solid columns, a short distance apart. One was surmounted by a statue of the Immaculate Virgin at whose feet was inscribed "Auxilium Christianorum" (Help of Christians). The other, far loftier and sturdier, supported a Host of proportionate size. Inscribed below it were the words "Salus credentium" (Salvation of believers).

At the helm of the flagship stood the Roman Pontiff, straining to steer his ship between the columns. The entire enemy fleet closed in to sink the flagship with bows, pamphlets, incendiary bombs and firearms. Even though the battle raged furiously with bows of enemy vessels repeatedly ramming the flagship, it remained unscratched and on course. Any gaping holes appearing in the flagship's hull were sealed instantly by a breeze from the two columns.

Meanwhile, enemy ships began to sink and their artillery began to explode. In blind fury the enemy attacked with hand-to-hand combat, cursing and blaspheming. Suddenly the Pope fell seriously wounded. He was instantly held up, but was struck a second time and died. As the enemy rejoiced, a new Pope took his place.

Breaking through all resistance, the new Pope steered his ship safely between the two columns: first to the one surrounded by the Host, and then to the other, topped by the statue of the Blessed Virgin. At this point, something unexpected happened: The enemy ships panicked and dispersed, scuttling and colliding with each other.

Some auxiliary ships, which had gallantly fought alongside their flagship, were the first to tie up to the dangling hooks hanging from the columns' summits. Many others, which had fearfully kept away from the fight, stood still, cautiously waiting until the wrecked enemy ships vanished under the waves. Then they too headed for the two columns, tied up, and rode safely and

NATIONAL CENTER
2200 PLEASANT VILLA AVENUE • BALTIMORE, MD 21228 • (301) 747-PRAY • 1-800-833-PRAY